



U.S. Army Corps
of Engineers

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

**A Plan Prepared for the
Assistant Secretary of the Army (Civil Works)**

VOLUME II: APPENDICES

**Headquarters, U.S. Army Corps of Engineers
Washington, D.C.**

September 1990

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

VOLUME II: APPENDIX A

Task Force Membership

RECREATION STUDY TASK FORCE MEMBERSHIP

The Chairman of the Task Force was MG R. S. Kem, Deputy Commander, U. S. Army Corps of Engineers. Mr. David J. Wahus, Chief of the Recreation Programs Section of the Natural Resource Management Branch, Operations, Construction and Readiness Division was reassigned to the office of the Director of Civil Works to serve as the full-time Executive Director of the Recreation Study.

The Steering Committee was comprised of eight senior staff members: Mr. Dan Mauldin, Deputy Director of Civil Works and Vice-Chairman of the committee, Mr. Don B. Cluff, Chief, Programs Division, Mr. Lester Edelman, Chief Counsel, Mr. Barry J. Frankel, (later replaced by Mr. Terrence F. Wilmer), Director, Real Estate Directorate, Mr. Jimmy F. Bates, Chief Policy and Planning Division, Mr. John P. Elmore, Chief, Operations, Construction and Readiness Division, Mr. Kenneth Murdock, Director, Water Resource Support Center, Mr. David J. Wahus. MG Kem officiated at Steering Committee meetings.

The Management Team consisted of Mr. Dan M. Mauldin, Chairman, Mr. Don B. Cluff, Vice-Chairman, Mr. Joseph H. Bittner, Programs Division, Mr. Charles T. Flachbarth, Office of the Chief Counsel, Mr. Monte Ferry, Real Estate Directorate, Mr. Howard Prante, Policy and Planning Division (later replaced by Mr. Brad Fowler), Mr. Darrell E. Lewis, Operations, Construction and Readiness Division, Mr. Michael R. Krouse, Institute for Water Resources, Mr. David Hewitt, Public Affairs Office and Mr. David J. Wahus.

Mr. William J. Hansen of the Institute for Water Resources was the Technical Study Manager. Mr. L. Leigh Skaggs of the Institute for Water Resources assisted in the development and execution of the study and writing of the final report. Mr. H. Roger Hamilton of the Waterways Experiment Station contributed to the historical perspective section. Ms. N. Theresa Hoagland of the Ohio River Division served as primary author for the study.

Numerous Corps employees were involved in various stages of development and analysis of the study and results. Thirty-seven Corps employees in various disciplines comprised the five in-house information collection task forces. In addition, a working group was comprised of Mr. Dale Gronewold, Kansas City District, Harry S. Truman Lake, Mr. Frank McGovern, South Atlantic Division, Mr. John Marzac, St. Louis District, Mr. Michael Miller, Mobile District and Mr. Michael Barter, Baltimore District. A field review group was comprised of Mr. Gerald Purvis, South Atlantic Division, Mr. Robert Fuller, Louisville District, Mr. William Thornton, Missouri River Division, Mr. Bruce Hardie, Southwestern Division and Mr. Allen Summers, North Pacific Division.

TAB

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

VOLUME II: APPENDIX B

**Information Collection Task Force #1
Development of Strawman Programs and Strategies**

INFORMATION COLLECTION TASK FORCE #1

DEVELOPMENT OF "STRAWMAN" RECREATION OPERATION AND MAINTENANCE PROGRAMS AND STRATEGIES

Task force members, representing a cross-section of Corps personnel, were: Darrell Lewis, Natural Resources Management Branch, Headquarters; Michael Miller, Natural Resources Management Branch, Mobile District; Janice Howell, Real Estate Management and Disposal Division, Headquarters; Bill Collins, Recreation-Resources Management Branch, Fort Worth District; Tony Sousa, Real Estate Directorate, Missouri River Division; Gerald Purvis, Natural Resources Management Branch, South Atlantic Division; Terri Hoagland, Natural Resources Management Branch, Ohio River Division; and Judy Rice, Natural Resources Management Branch, Headquarters.

The task force met on 26 October 1989 to develop "strawman" recreation O&M programs and strategies that addressed the overall study objective of maintaining or enhancing recreation opportunities while reducing the Federal burden. The objective was to identify a wide range of proposals through a brainstorming session. Proposals were not to be constrained by existing laws, policies, or regulations, nor were proposals to involve the closure or deferral of maintenance at recreation areas. Following is a listing and brief discussion of the identified strawman.

Discussion of
"Strawman" Recreation O&M Programs and Strategies

I. WAYS TO INCREASE PRIVATE AND NON-FEDERAL INVOLVEMENT.

A. Land and Land Use Policy Changes.

1. Private exclusive use - (The use or occupancy of individually owned permanent structures for human habitation located on public land and water areas at Corps Civil Works projects. Lesser forms of private use, such as individual houseboats, boat docks and piers, fencing, signing, landscaping, etc. are excluded from this definition since they are the subject of concern under the lakeshore management program.) Lessen the restrictions on the type and location of private exclusive use in conjunction with public recreation and charge a realistic fee for that use.

2. Allow multifamily residential developments on Corps owned lands.

B. Marketing and Promotion.

1. Engage in economic promotion and marketing to encourage private/non-federal entities to lease recreation areas which are capable of earning a profit.

2. Use Corps resources to develop a regional promotion program for the region/area/lake/park.

C. Liberal partnershiping and/or cost sharing - (Public law 89-72, "Federal Water Project Recreation Act", requires the Corps to obtain a non-federal public entity to share 50/50 in the costs of developing recreation facilities and requires the non-federal entity to operate and maintain those recreation facilities. Although the act applies to projects authorized after 1965, several past administrations have applied the cost-sharing and operation and maintenance (O&M) requirements to any new developments at pre 1965 projects.)

1. Ease the cost sharing restrictions on development, pay back, types of facilities, potential sponsors, etc.

2. Offer low interest, long term Federal loans for private/non-federal entity to develop public recreational facilities on Corps lands/waters.

3. Lease out lands for public recreation and then construct all or part of the infrastructure including roads, parking lots, boat ramps and sanitary facilities (which usually constitutes the largest initial capital expenditures).

4. Seek legislative authority to acquire land to facilitate recreation development under eminent domain to provide a private/ non-federal entity with adequate land and location to engage in profitable public recreation activities.

5. Consult with and provide expertise to private/non-federal entities on risk management and provide design and/or construction services to accomplish assessed remedies.

6. Fund or provide maintenance of an area with the operation left to private/non-federal entity.

7. Fund feasibility studies as the cost of feasibility studies deters potential recreation providers from pursuing lease.

D. Liberalize Lease Restrictions.

1. Provide leasing incentives.

a. Lower the lease costs.

b. Lengthen the term of the lease to allow long term financing.

c. Eliminate or reduce current restrictions on types of recreation lessees may provide on Corps property.

d. Allow non-Federal entities to retain lease revenues, eliminating the current requirement for those funds to be reinvested at the site.

2. Loosen or eliminate the Corps 14 day camping restriction.

3. Allow groups/associations etc. who operate parks to charge discriminatory fees to members to encourage those groups to take over recreation area.

E. Encourage a tax law change to allow for tax breaks for construction of recreational facilities on Corps land.

F. Offer entire lakes for lease to private sector for public recreation (minus the dam and outlet works) to encourage private sector/non-federal recreational development.

G. Encourage college or university to run park(s) using students who are gaining college credits and/or money from their efforts, i.e. graduate assistants/interns, etc.

H. Encourage "members only" recreational developments when members pay the O&M.

I. Eliminate adverse fee competition from Corps. Ensure that Corps recreation fees do not undercut private/non-federal competition. This may require the Corps charging for use that we hadn't in the past (see II.A.3.).

J. Foster local lake organizations/communities to lobby for private/non-federal recreational facilities/developments on Corps lands.

K. Allow Corps operation of turnback recreation areas to encourage potential lessees as well as Corps elements to consider less than ideal leasing agreement.

L. Allow inclusion of several recreation areas in a single lease instrument.

M. Expand congressionally authorized project purposes to allow more diversification of use of public lands.

N. Foster regional and/or local organizations to promote individual lakes or regions.

II. INCREASE REVENUES.

A. Policy Changes

1. Implement nationwide reservation system.

2. Charge a variable rate for camping sites depending on location and amount of use.

3. Expand the Corps authority to include charging for day use fees.

4. Charge for what we have been giving away, such as:

a. Access for hunting, fishing or trapping.

b. Boat licenses (require each boat on Corps lake to have Corps boat license)

c. Firewood

d. Tighten the restrictions on fishing guide permits to decrease slippage.

e. Expand the number of commercial activities allowed on Corps lands and water, and charge for all those activities.

f. Charge for certain ranger activities such as off-site presentations, interpretive tours, programs, etc.

5. Eliminate the free camping requirement.

6. Develop special event areas and charges.

7. Reduce restrictions to encourage or allow concerts and other non-water related special events to be held on Corps property for a fee.

8. Have the Corps rent Corps purchased recreation equipment.

9. Charge rent for use of Corps facilities such as auditoriums, amphitheaters, etc.

B. Allow the sale of items the Corps could offer and traditionally has not sold.

1. Loosen the restrictions on concession stands in public recreation areas for sales of ice, beer, soft drinks, etc.

2. Sell visitor survey information, zip codes, etc.

3. Sale of merchandise (T-shirts, brochures, etc.)

4. Sell recyclable materials from the public use of Corps lands.

C. Return of revenue to Corps from concessions, timber sales, leases, etc.

D. Charge a realistically equitable fee for the processing of permits, lease, and license applications.

E. Review studies made by Corps/private/non-federal entities so no duplication of effort is done or no stones remain unturned.

F. Promote our recreation areas nationally/internationally to increase visitation and income.

G. Charge for recreational boats going through locks.

H. Establish Corps membership campgrounds nationwide (Castle Club) where all members would pay a fee and receive ID card which would allow free admittance and a reduced use fee.

III. BUDGET AUGMENTATION (with Non-appropriated Funds).

A. Develop a program to solicit nationwide voluntary contributions and donations.

B. Allow designation of \$1 for federal recreation on federal income tax return.

C. Encourage sponsorships to promote corporate and/or individual financing of public recreation sites for which sponsor gets special acknowledgement.

D. Develop challenge grants program for large corporations to pledge money, material and/or labor to be matched by federal contribution to accomplish a specific task.

E. Create a federal recreation lottery.

F. Support American Heritage Trust legislation and include the Corps as a recipient.

G. Conduct land sales with receipts going to recreation O&M.

H. Establish Corps recreation trust to provide monies for public recreation.

IV. O&M EFFICIENCIES.

A. Reduce planning and design standards to lower total costs.

B. Operations

1. Reduce O&M standards.

2. Increase consideration of contracting.

3. Use trash compactors to reduce volume of refuse.

C. Management

1. Initiate peer review process.

2. Allow on-site manager to determine where all of his money goes, all overhead charges to be determined by him/her. "Authority equal to the responsibility".

3. Swap out recreation areas with other agencies to facilitate maintenance and management efforts.

4. Lower the approval level requirements to the on-site manager.

5. Re-organize for a more efficient operation.

6. Adopt a "one stop outgrant service" which authorizes local manager to issue licenses/permits for all outgrants.

7. Reduce the frequency of in-house inspections.

D. Provide more facilities wanted by the visiting public.

1. Monitor facility use levels and conduct visitor preference survey and eliminate unwanted facilities and services.

2. Review trend analysis and develop strategies.

E. Encourage and fund consolidation/renovation of facilities to improve inefficient recreation areas.

F. Encourage the increased use of volunteers and remove the restrictions considering their handling of money and use of vehicles.

G. Institute adopt-a-park programs.

H. Encourage professionalizing and improve human resource management.

V. INCREASED RECREATION OPPORTUNITIES.

A. Make master plans and operational management plans dynamic to enable a quick response to change in trends and conditions.

B. Modernize our way of doing business.

C. Provide test sites for experimental recreation i.e. demonstration projects.

D. Allow more local community type recreation facilities (tennis courts, swimming pools, etc.).

E. When demand warrants, reopen closed areas and renovate for Corps/private/non-federal takeover.

F. Assist in the promotion of regional economic development.

G. Cooperate with the local business community.

H. Emphasize research support programs.

VI. REGULATORY CONSTRAINTS.

A. 14 day restriction

B. Private exclusive use

C. beer, wine and liquor sales

- D. reservations
- E. water orientation of recreation facilities
- F. Environmental
- G. Davis-Bacon wage rates construction and service contracts (wage rates)
- H. PL 89-72 and 99-662 (cost sharing restraints)
- I. Land and Water Conservation Fund Act (fees)
- J. 460 (d)
- K. restraints on waivers on competition
- L. FARS etc.
- M. GSA policies
- N. acquisition authority
- O. 75% turnback to local government
- P. graduated rental system
- Q. McKinney act (homeless)
- R. volunteer restrictions
- T. personnel regulations
- U. shoreline management regulation
- V. Agriculture lease offsets
- W. Being part of the army

Summary of major ideas that should be included:

1. Defend our public use philosophy
2. Recognize political /public desires
3. Relook at cost-sharing to make it an equal program
4. Relook commercial lease restrictions
5. Secure input from locals
6. Revise fee structures
7. Change market values
8. Initiate recycle effort
9. Establish Corps trust fund and get coverage under LWCA (or AHT)
10. "Power down" so the resource manager can manage
11. Continue efforts on improving human resources, and career ladders
12. Be conscious of our environment ethic and responsibilities and do not prostitute them as we look for new ways to do business
13. Formalize an O&M efficiency approach
14. Tie to project purpose

TAB

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

VOLUME II: APPENDIX C

**Information Collection Task Force #2
Laws and Policies**

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

INFORMATION COLLECTION TASK FORCE # 2

**Review of Laws, Policies, and Regulations Governing
Development, Enhancement, and Operation of
Recreational Facilities at Corps of Engineers Projects
by Non-Federal Public Agencies and Private Sector Entities**

REPORT

TASK FORCE MEMBERS:

S. Janice Howell, Chairwoman, Real Estate, Headquarters
Rick Noels, Real Estate, Omaha District
Mike Loesch, Natural Resources Management, North Central
Division
Guy Parsons, Real Estate, Savannah District
Brenda Randolph, Real Estate, Tulsa District
W. E. Burris, Policy and Planning, Headquarters
Charles Flachbarth, Office of Counsel, Headquarters
David Hewitt, Public Affairs, Headquarters
George Tabb, Natural Resources Management, Headquarters
Robert Cribbin, Real Estate, Headquarters

1. Purpose and Scope.

a. The task force convened to review existing laws, policies, and regulations which govern the development, enhancement, and operation of recreational facilities at Corps of Engineers water resource development projects by non-Federal public agencies and by private sector entities. This review, within the time allotted, included the identification of constraints and/or restrictions, in laws, policies and/or regulations, on the sale of lands and facilities to non-Federal interests; on leasing of such lands and facilities, such as the term of leases and limitations on fees; and other restraints such as potentially adverse competition from Corps fee programs, private exclusive use policies and length of stay, which influence investment decisions by private and non-Federal public interests.

b. Information Collection Task Force #1 developed various recreation O&M management program and strategy proposals for increasing private and non-Federal investment or leasing activities which were provided to this task force for review. This task force identified constraints, in laws, policies and/or regulations, that would preclude the implementation of any of these programs or strategies and indicated the types of changes (e.g., new legislation) needed to eliminate these existing constraints.

2. The task force did not limit its review to the management programs or strategies identified by Information Collection Task Force #1. However, the reports from the other Information Collection Task Force were being developed concurrently and were not available. The task force considered other ideas either developed internally or identified during its review process.

2. APPROACH

The task force undertook the three separate functions by assigning specific issues to individual members with all members providing input and assistance as needed. Due to the compressed time frame, we attempted to rely on existing legal opinions and background on policies wherever possible. This information is primarily contained in the CERE-MC files. "Ontyme" electronic communication was used to the maximum extent possible. Initial letters were sent to all divisions asking for ideas and input.

3. Product. The task force has provided a final report which describes its composition, task, approach, the review of existing laws, policies and regulations, the proposed changes that would be required to remove the identified constraints, and, where possible, potential impacts. The report should be able to stand alone as an appendix to the overall COE Recreation Study Report.

The report is divided into the following subsections:

1. Review of proposals suggested to enhance the interest of non-Federal governmental agencies or private entities in development, enhancement and operation of recreation facilities on Corps administered water resource development project.

2. Review of proposals suggested to enhance the Corps management of recreational sites.

3. A general discussion of laws, regulations, and policies constraining or affecting recreational development.

REVIEW OF PROPOSALS TO INCREASE
PRIVATE AND NON-FEDERAL PUBLIC INVOLVEMENT

| PAGE | PROPOSAL |
|------|--|
| 1 | Lessen the restrictions on the type and location of private exclusive use in conjunction with public recreation and charge a realistic fee for that use. |
| 4 | Encourage "members only" recreational developments when members pay the O&M. |
| 6 | Loosen or eliminate the Corps 14 day camping restriction. |
| 8 | Lower the lease costs/rental system. |
| 12 | Allow non-Federal entities to retain lease revenues, eliminating the current requirement for those funds to be reinvested at the site. |
| 14 | Allow groups/associations etc. who operate parks to charge discriminatory fees to members to encourage those groups to take over recreation area. |
| 16 | Lengthen the term of the lease to allow long term financing. |
| 18 | Seek authority to buy out concession assets when site is needed for higher public use or for termination |
| 19 | Eliminate adverse fee competition from Corps. Ensure that Corps recreation fees do not undercut private/non-federal competition. This may require the Corps charging for use that we hadn't in the past. |
| 22 | Eliminate or reduce current restrictions on types of recreation lessees may provide on Corps property. |
| 24 | Allow inclusion of several recreation areas in a single lease instrument. |
| 27 | Allow Corps operation of turnback recreation areas to encourage potential lessees as well as Corps |

elements to consider less than ideal leasing agreement.

- 29 Encourage college or university to run park(s) using students who are gaining college credits and/or money from their efforts, i.e. graduate assistants/interns, etc.
- 30 Encourage a tax law change to allow for tax breaks for construction of recreational facilities on Corps land.
- 31 Foster local lake organizations/communities to lobby for private/non-federal recreational facilities/developments on Corps lands.
- 33 Engage in economic promotion and marketing to encourage private/non-federal entities to lease recreation areas which are capable of earning a profit.
- 33 Use Corps resources to develop a regional promotion program for the region/area/lake/park.
- 35 Offer entire lakes for lease to private sector for public recreation (minus the dam and outlet works) to encourage private sector/non-federal recreational development.
- 40 Liberal partnershiping and/or cost sharing - Ease the cost sharing restrictions on development, pay back, types of facilities, potential sponsors, etc.
- 41 Offer low interest, long term Federal loans for private/non-federal entity to develop public recreational facilities on Corps lands/waters.
- 42 Lease out lands for public recreation and then construct all or part of the infrastructure including roads, parking lots, boat ramps and sanitary facilities (which usually constitutes the largest initial capital expenditures).
- 43 Seek legislative authority to acquire land to facilitate recreation development to provide a private/ non-federal entity with adequate land and location to engage in profitable public recreation activities.
- 44 Consult with and provide expertise to private/non-federal entities on risk management and provide

design and/or construction services to accomplish assessed remedies.

45 Fund or provide maintenance of an area with the operation left to private/non-federal entity.

47 Fund feasibility studies as the cost of feasibility studies deters potential recreation providers from pursuing lease.

REVIEW OF PROPOSALS SUGGESTED TO ENHANCE THE
CORPS MANAGEMENT OF RECREATION SITES

| PAGE | PROPOSAL |
|------|--|
| 48 | Expand congressionally authorized project purposes to allow more diversification of use of public lands. (Generic/organic legislation) |
| 51 | Reduce planning and design standards to lower costs. |
| 53 | Reduce O & M Standards |
| 55 | Make master plans and operational management plans dynamic to enable quick response to change in trends and conditions. |
| 57 | Initiate peer review process. |
| 58 | Allow on-site manager to determine where all of his money goes, all overhead charges to be determined by him/her. "Authority equal to the responsibility." |
| 59 | Swap recreation areas with other governmental agencies to facilitate maintenance and management efforts. |
| 60 | Lower the approval level requirements to the on-site manager, |
| 62 | Re-organize for a more efficient operation. |
| 63 | Adopt a "one stop outgrants service" which authorizes local manager to issue licenses/permits for all outgrants |
| 64 | Reduce the frequency of in-house inspections |

- 65 Provide test sites for experimental recreation,
i.e. demonstration projects
- 66 Provide more facilities wanted by the visiting
public
- 67 Expand the number of commercial activities allowed
on Corps lands and water, including vendors in
park areas
- 68 Institute adopt-a-park programs.

GENERAL DISCUSSION OF LAWS, REGULATIONS, AND POLICIES
CONSTRAINING OR AFFECTING RECREATION DEVELOPMENT

| PAGE | TASK |
|------|--|
| 70 | 16 USC 460d - general leasing authority |
| 71 | Competition - Any constraints on waivers of competition? |
| 72 | Non-Federal public agencies - When Army authorizes an activity it does not pass along our authority to do that activity - Can the Corps authorize what it lacks the authority to do? |
| 74 | Outgrant vs. service contract - compare to GOCO/2667 lease for industrial plants on military - Where is each appropriate/legal? FAR implications. Service Contract: Gov. pays contractor to operate gov. facilities; Lease: lessee pays gov. rent and builds facilities |
| 76 | Federal Property Act of 1949, as amended - restrictions on sale of Federal property; GSA policies, regulations and delegations |
| 78 | Compliance inspections to enforce the Government standard and legal constraints on the standards of Government oversight |
| 80 | Sale of beer, wine and liquor |
| 81 | Leasing authority constraints |

| | |
|----|---|
| 84 | Shoreline management |
| 89 | Handicapped Act |
| 90 | Davis-Bacon Act applicability |
| 91 | Forest Service challenge grants: can we do this under current authority? |
| 92 | Cultural, environmental, fish and wildlife laws and regulations |

SECTION 1

**REVIEW OF PROPOSALS SUGGESTED TO ENHANCE THE INTEREST
OF NON-FEDERAL GOVERNMENTAL AGENCIES OR PRIVATE
ENTITIES IN DEVELOPMENT, ENHANCEMENT, AND OPERATION OF
RECREATION FACILITIES ON CORPS ADMINISTERED WATER
RESOURCE DEVELOPMENT PROJECTS**

PROPOSAL:

Lessen the restrictions on the type and location of private exclusive use in conjunction with public recreation and charge a realistic fee for that use.

ASSUMPTIONS:

The restrictions include both individually owned permanent structures for human habitation and lesser forms of private use covered under the lakeshore management program.

LAW, POLICY, REGULATIONS:

ER 1130-2-400

ER 1130-2-406/36 CFR 327.30 (see also references therein)

ER 405-1-12

16 U.S.C. 460d (the Flood Control Act of 1944, as amended)

33 U.S.C. 1 and 403

Report by the Committee on Government Operations, 92d Congress, dated 21 Oct 71, "Public Access to Reservoirs to Meet Growing Recreation Demands"

Report by the Committee on Government Operations, 85th Congress, dated 16 August 57, "Army-Interior Reservoir Land Acquisition Policy"

CONSTRAINTS:

The policy of the Chief of Engineers is to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Shoreline management plans are prepared as part of the Operational Management Plan where private shoreline use is allowed, allocating the entire shoreline within the classifications shown in 33 CFR 327.30; otherwise, a statement of shoreline management policy is developed for the project.

The land acquired for water resource projects is managed to accommodate authorized project purposes. Master Plans are developed for each project, allocating areas into use categories: project operations, recreation-intensive use, recreation-low density use, natural areas, wildlife management or range management, and separable recreation lands (if applicable).

Under 16 U.S.C. 460d, the Secretary of the Army is given very broad discretion to administer water resource lands. Congress restricted this discretion in that the leasing of lands should be upon such terms and for such purposes as the Secretary deemed "reasonable in the public interest." There is no prohibition against private use, if the Secretary determines that certain private uses are in the public interest. (Reference 7 Nov 86 Army General Counsel opinion)

RESOLUTION OF CONSTRAINTS:

The regulations and policies on private exclusive use and lesser private use would have to be amended to allow the type of use contemplated. This amendment process would include an analysis and determination by the Secretary of the Army that the use to be allowed is in the public interest under the circumstances established.

The spectrum of private use to be considered includes:

a. Adjoining condominiums or other private residential development with homeowners associations or other such entity: allow beach and docks at fair market value for private use.

b. Allow trailers, apartments, and other long-term rental facilities, within commercial concession areas, with rental fees paid to concession included in the calculations for rental to the Government, especially in those areas where the concession needs this type of income to maintain a viable business year-round.

c. Allow privately owned facilities, such as private lodges, private docks (dockominums), club docks, within commercial concession areas (re: Matthews v. U.S.).

d. Boat ramps - allow any adjoining property owner to have a dock or boatramp of any size and configuration on Government property at fair market value or full administrative cost recovery - restricted only by channel movement safety - eliminate grandfather requirements, allow assignment or sale of dock, eliminate shoreline management and 50% restriction.

e. Floating cabins, cottage sites, sleeping facilities on docks - in light of the Water Resource Development Act of 1986, Section 1134, allow new sites to be made available, at fair market value or full cost recovery.

f. Allow residential development on Government land with offsetting recreational development similar to concessions required by some local governments, i.e. roads, parks, density. (see discussion under Economy Act)

g. Totally eliminate all restrictions on private use and do

away with nominal permit fee, obtain full fair market value or full cost recovery.

h. Seek generic or special legislation to allow disposal of land in exchange for development of certain public recreational facilities and a percentage recreational use of property.

i. allow timeshare; memberships

POTENTIAL IMPACT:

As can be seen with the Upper Mississippi and Illinois River cottage sites and the non-transient trailers at commercial concession areas, once private use is started, it is difficult, if not impossible, to eliminate. It is easy to say that the use will be phased out in 25 or even 50 years, but only the most obvious of public uses will ever be enough to oust the private parties. Individuals write to their congressional delegation, "the public" does not. We should learn from our past experiences in this area.

PROPOSAL:

Encourage "members only" recreational developments when members pay the O&M.

ASSUMPTIONS:

The development will be new and does not extend to existing developed sites. The recreational development will only be available to members of the group. The master plan process identifying the area for this type of recreational development has taken place.

LAW, POLICY, REGULATIONS:

ER 1130-2-400
ER 1130-2-406/36 CFR 327.30 (see also references therein)
ER 405-1-12
16 U.S.C. 460d
33 U.S.C. 1 and 403
Letter of Jun 1985 clarifying the policy on private exclusive use.

CONSTRAINTS:

Refer to the general discussion on shoreline management and private exclusive use. The Secretary of the Army would have to determine that the proposed development is in the public interest.

RESOLUTION:

No legislation is required. A revision of the policy on private use and appropriate regulations changes would be required.

POTENTIAL IMPACT:

The recreational opportunities for that segment of the public which is a member of the group would be enhanced. A program to encourage this type of development could result in the development of undeveloped sites. Membership groups might be interested in development of remote or less accessible sites which are unattractive to non-federal government entities. As with any outgrant, there would be costs associated with the administration of the area which could be more or less than the current amount expended on the management of the area.

On 22 June 1983, Mr. Gianelli, then ASA(CW) signed a letter to Congressman Dicks, which stated the Corps position on Thousand Trails, a large membership organization, as follows:

"I am told that Thousand Trails, Inc., provides quality facilities for its members and that the proposed development would probably be an asset to the Corps lake. Once the precedent has been set for this type of development, however, the Corps would not be able to selectively grant such privileges and other companies may not provide the same quality of facilities and services and could be a detriment rather than an asset to the public facility. I am instructing the Corps to continue to work closely with the company in every appropriate way short of creating private exclusive use."

COMMENTS:

Use of the site by the members only restricts the number of people who can ever use the facilities. This may lead to underutilization of the site in the future and restricts management options for future use.

An element to be considered in determining the public interest benefit would be the size of the membership, or in other words, how large a group is required to be tantamount to "the public" or to make up a significant portion of the public which uses the project in question? Another element would be who is eligible for membership in the group, for example, is membership open to the public generally in furtherance of a common interest, such as sailing, bird watching, or recreational vehicles?

PROPOSAL:

Loosen or eliminate the Corps 14-day camping restriction.

ASSUMPTIONS:

Applicable to Federal, non-Federal and private sector entities.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

Title 36, Part 327.7(6)
ER 1130-2-400
Unwritten extension to all overnight stays

CONSTRAINTS:

The 14-Day stay limitation in Title 36, Part 327.7(6) states that "Camping at any one water resource project for a period longer than 14 days during any 30 consecutive day period is prohibited without the written permission of the District Engineer." This is a regulatory time limitation (14 days) for camping activities on government water resource projects under the jurisdiction of the Department of the Army and developed and administered by the Corps of Engineers. This constraint also covers federal land leased to private concessionaires, non-Federal governments, and other groups for recreational purposes and has been interpreted to cover all overnight stays whether at a camp site or in rental cabins, trailers, or hotel/lodge rooms.

RESOLUTIONS OF CONSTRAINTS:

During the off season the Corps, non-Federal governmental and private sector recreational facilities are usually being utilized at a very low rate and incur a fixed overhead cost without the latitude to lengthen the stay period to attract off-season uses and generate more income. Implementing regulations could be amended to authorize more flexibility and to allow specific waivers to the limitation or to set out general waivers or exceptions to the limitation by Districts. The current regulations should be amended to clarify the unwritten expansion to all overnight stays which are not camping. The 14-day stay limitation is discretionary policy promulgated by the Secretary of Army's office and is not required by law.

POTENTIAL IMPACT OF CHANGE:

Eliminating any time limitation for private sector developers could encourage undesirable long term use (condos, cabins, trailers) that could be undesirable for the using public and restrict use to a narrow segment of the public. Reasonable exceptions or modifications could encourage more use, especially during off-season periods or for less utilized areas.

COMMENTS:

Interagency coordination would be prudent since the Park Service, TVA and U. S. Forest Service impose the 14-day stay limit on recreational area operated by them (in-house personnel). The time limitation policy covering lease areas varies from agency to agency. TVA and U. S. Forest appear to be the more liberal.

The 14-day time limitation regulation policy should be reviewed, evaluated and modified as required on a regional basis to increase utilization of overnight facilities operated by Corps and lessees during the peak and off peak season with the purpose of improving the income flow and achieving better utilization. The southeast and southwest regions have longer recreation periods with a short peak use season (summer) and a low use period during the fall and winter months. The northern areas have a short season.

PROPOSAL:

Lower the lease (rental) costs.

ASSUMPTIONS:

Proposal is applicable only to the private sector who would be providing some type of enhanced recreational opportunities to the public since governmental agencies do not pay monetary consideration when leased land or facilities are operated and maintained for public purposes.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

16 U.S.C. 460d
10 U.S.C. 2667
ER 405-1-12, Chap VIII
ER 1130-2-400
OMB Circular A-25, dated 23 Sept 59

CONSTRAINTS:

Presently the rental cost for leasing of Corps administered lands are based on the Graduated Rental System (ER 405-1-12 para. 8-22c) or fair market value. Major/minor concessions pay rent based upon the Graduated Rental System (GRS). The GRS is based upon Bureau of the Budget (BOB), now OMB, guidance on rental for recreational development. Rental in general is based upon the principals of OMB Circular A-25 implementing the Independent Officers Appropriation Act (U.S.C.) which requires that the persons receiving a special benefit pay for that use and the Economy Act which states that the lease of buildings and property of the United States must be for money only and that any provision for alteration, repair, or improvement as part of the consideration is prohibited unless specifically authorized otherwise by law (See Section 321 of the Economy Act of June 30, 1962, 47 Stat. 412 (40 U.S.C. 303(b))). All monies received from leasing must be deposited in the United States Treasury.

The private concessionaire pays the required rent cost, whereas governmental agencies do not pay monetary consideration in accordance with the authority in 16 U.S.C. 460d. In those instances where lands are leased for private recreational purposes, the lessee pays the appraised fair market rental value (FMRV) of the land or facility. The private and public sectors are responsible for the development, operation and maintenance of the leased area.

If Government facilities were to be leased to a private entity, then consideration could be given to using the leasing authority of 10 U.S.C. 2667, which allows the offset of rental by the amount of operation, maintenance, repair, and restoration. In order to allow the specific offset for improvements made to the site, additional legislative authority would be required.

RESOLUTION OF CONSTRAINTS:

Within the general constraints of fiscal law and the OMB guidance, if the Secretary of Army determines that another rental system or charges of less than FMRV are in the public interest to stimulate increased recreational development for the public, then he has the discretion under 16 U.S.C. 460d to amend the current system.

In order to specifically offset rental for improvements or development of the site, additional legislative authority would be required.

POTENTIAL IMPACT OF CHANGE:

The states having jurisdiction within Corps water resource project boundaries would receive a reduced total annual amount under 33 U.S.C. 701c-3 (which provides that 75% of total annual lease receipts deposited into the Treasury will be distributed to the states where the project is located). This is a sensitive political issue and Congressional delegations may not want any state entitlement incomes reduced to benefit the private sector. Other private sector entities which do not provide services or facilities for general public recreational purposes may exert Congressional influences for similar treatment. Further, the rental income received from the private sector developers will be reduced and resulting in a reduction of revenues to the U.S. Government.

If laws were passed allowing reduction in rent for increased development, management efforts would increase to ensure development occurred.

COMMENTS/NOTES:

The proposal is inconsistent with the administration's emphasis on enhancing revenues.

PROPOSAL:

Graduated Rental System

ASSUMPTIONS:

It is assumed that the reference to the Graduated Rental System (GRS) as a constraint/restriction meant that the GRS, as it is known today, be revised or eliminated and a new method of calculation be devised. It is not known whether the proposal was made for purposes of lowering rent thus enabling the lessee to spend more on development or whether the proposal was for the purpose of raising rent which would result in more revenue to the Federal Government.

LAW, POLICY, REGULATION APPLICABLE:

ER 405-1-12, Chapter 8.
OMB Circular A-25

CONSTRAINTS:

See general discussion under the proposal to lower rental costs.

RESOLUTION OF CONSTRAINTS:

Changes to the current system have been under review almost continually since its inception, and have included indexing of the Gross Fixed Assets to current value and changes in the handling of boat sales and gasoline sales. Data was collected on every commercial concession to compare the GRS rental collected to a proposed flat rate. A test was proposed in the Private Sector Recreation Development to allow for proposals, but no bids were received. The General Accounting Office recently completed an audit of the Forest Service system, which is almost identical to our GRS, but did not recommend any definite changes. A task force is currently looking at several proposals, including an appraised fair market value, a graduated percentage of gross income, a percentage plus base rate.

In 1961 a public law was passed to allow renegotiation of future rents when in the public interest. This law would authorize renegotiation of future rental, however, lessees could not be mandated to accept a change. We would be contractually obligated to honor the system in the lease, unless a mutual agreement was reached to modify the lease for a new rental system.

POTENTIAL IMPACT OF CHANGE:

If rents were increased, some marginally-profitable operations may not be able to adjust resulting in loss of some services.

PROPOSAL:

Allow non-Federal governmental entities to retain lease revenues, eliminating the current requirements for those funds to be reinvested at the site.

ASSUMPTIONS:

Lease revenue refers to income generated on the leased premises and collected by the lessee, such as fees.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

16 U.S.C. 460d
ER 405-1-12, Chap VIII

CONSTRAINTS:

16 U.S.C. 460d states: "That in any such lease or license to a Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife, forests, and other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance, and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States at such time or times as the Secretary of the Army may determine appropriate." The law only requires that the proceeds from timber and crops must be utilized on the leased premises. As a matter of policy, reinvestment of all revenue under the lease was required. If the lease is strictly for park and recreation purposes, then the revenue generated under the lease could be retained by the non-Federal governmental entity. However, timber and crops may not be used to generate revenue except for leases which include fish and wildlife activity. Also, even if the lease combined fish and wildlife and park and recreation functions, the proceeds clearly identified from sources other than timber and crops could be retained by the lessee.

RESOLUTIONS OF CONSTRAINTS:

The policy and regulations could be amended to allow retention of the proceeds from non-timber and crop sources. The law would have to be amended to authorize the Secretary of the Army to allow non-Federal entities to retain timber and crops revenue and thus eliminating the current requirement for those funds to be reinvested at the site.

POTENTIAL IMPACT OF CHANGE:

Without any restrictions concerning the reinvestment of lease revenues, the non-federal public entities could use funds generated on the leased premises for any of its governmental programs rather than maintain and improve the leased site. In some instances, this would be a revenue windfall that could be used by state/local officials. However, removal of the restriction would also encourage states to take over less-revenue producing sites and combine them with other more popular sites and provide better overall facilities. Cases have developed where the state generated more revenue than needed to be spent at that site, yet other sites could have used the surplus.

COMMENTS/NOTES:

If the current policy is liberalized to allow off site reinvestment by non-federal governmental entities, the recreational public at the popular sites could be the loser.

PROPOSAL:

Allow groups/association etc., who operate parks to charge discriminatory fees to members to encourage those groups to take over recreation areas.

ASSUMPTIONS:

Applicable to non-profit groups and associations (organizations). The groups will develop the recreation area for general public use, however, charge more to non-members than to members.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

16 U.S.C. 460d
ER 405-1-12, Chap VIII
MSG dated 30 May 79, citing Policy letters, 14 Sep 78, 2 Apr 79, Uniform Fee Policy, prohibiting differential fees by non-Federal governmental entities for resident and non-resident

CONSTRAINTS:

The uniform policy on entrance and user fees for recreational facilities at Corps projects is not to permit differential fees for different types of users.

RESOLUTIONS OF CONSTRAINTS:

The standard lease document states that fee schedules will be approved, but does not prohibit preferential treatment to a group, such as the residents of an area. A legal opinion on non-federal governmental entities dated 21 Mar 78, stated that "on the contrary various Supreme Court decisions have upheld the right of a local entity to provide higher entrance fees for nonresident visitors at projects in which federal funds are used. These higher charges are justified on the basis of the resident expenses used to pay for their share of project costs. Since the locals must pay an entrance fee plus tax funds to maintain the project it is only equitable to require nonresidents to pay a higher fee to compensate for this difference." However, as a matter of policy, the Corps prohibits discriminatory/differential fees. Similar restrictions apply to any lessee.

Any change in policy should establish guidelines for when such differential fees would be appropriate and how much development is needed to make this in the public interests. Restrictions could include requirements that the organization is

functioning in the public interest; that the organization provides facilities/recreational experience for several groups, allows use of facilities by the general public or rotates the facilities between member/guests.

POTENTIAL IMPACT OF CHANGE:

The possibility of the group/organization switching to a for-profit organization after the development is constructed. The political implications of allowing member groups to charge differential fees, since the membership fees are voluntary and, therefore, not the same as taxes by a governmental entity.

PROPOSAL:

Lengthen the term of the lease to allow long term financing.

ASSUMPTIONS:

Proposal is applicable to the private sector only in connection with the development of commercial concessions.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

16 U.S.C. 460d
ER 405-1-12 Chapter VIII

CONSTRAINTS:

The Districts are delegated authority to issue leases for up to a term of 25 years for major concessions, within guidelines setting out approved terms for proposed development value. Current regulations allow a longer term if consistent with the proposed development with approval by higher authority. Apparently, some Districts have an policy against offering terms longer than those delegated.

The issue of a 99-year lease being tantamount to a fee disposal may not be a specific legal constraint; however, long-term leases have been viewed by the former Property Review Board and OMB as circumventing the property disposal procedures. If property is not needed by the agency for that long a period, it becomes difficult to justify retention of the property to GSA during the utilization survey process.

RESOLUTION OF CONSTRAINTS:

The delegated dollar guidelines should be reviewed to see if the Districts' authority could be expanded to more closely follow Internal Revenue Service class life and depreciation periods. District policies not to offer longer terms where warranted should also be reviewed. The current regulation provides a vehicle for approval of longer terms for larger developments because the Secretary of the Army has the discretionary authority under 16 U.S.C. 460d to enter into leases for a longer term if in the public interest. These large scale development proposals are often controversial and must be approved by higher authority for that reason. Terms of 50 years have been approved where the development proposed warranted the longer term to allow adequate time for the amortization of the lessee's costs. This is in recognition that banking and lending institutions are reluctant to

provide larger loans secured by assets located on property for which the mortgagor holds a leasehold interest of 25 years or less. In some instances the longer terms were approved where the concessinaire had a proven record of development and wished to expand.

POTENTIAL IMPACT OF CHANGE:

An across-the-board delegation to allow for longer terms would encourage these terms to become routine, as the 25 year term is now, rather than the exception for extra-ordinary development proposals. Lengthening the lease term for some marginal private sector commercial concessionaires may encourage long term mediocrity in public service. If the development is proposed in phases, the lessee may not complete the entire development as proposed and, even if he is on track with the phases, he may not need the longer term at the beginning since he probably did not finance the entire development up-front. Presently, it is very difficult to terminate commercial concession leases for non-compliance, whereas, we have no obligation to renew the lease.

COMMENTS/NOTES:

The provision of recreational services to the public typically results in a low rate of return for private sector investors. Such investors are usually severely impacted by any downturn in the public's demand for recreational services and by operational problems, such as the drought impacts on water levels. Longer terms are not the cure-all.

PROPOSAL:

Seek authority to buy out the concession assets if the site is needed for a higher public use or termination of the lease is desired, rather than the current procedure of requiring removal of the lessee's assets, similar to the authority of the Park Service.

ASSUMPTIONS:

None

APPLICABLE LAWS, REGULATIONS, POLICIES:

16 U.S.C. 460d
ER 405-1-12

CONSTRAINTS:

Army lacks the authority to buy out the lessee's interest in the improvements so that many marginal facilities and/or sites are allowed to continue to avoid the economic hardship on the lessee. Park Service has the authority to buy out the concessionaire, take title to the improvements, and readvertise or remove.

RESOLUTION OF CONSTRAINTS:

Seek legislation to provide the Corps with the authority to purchase the lessee's improvements at fair market value whenever it was in the public interest to do so. Funding would be out of either a special fund set up for this purpose or through the O&M General budget process. We would know several years in advance as we start the planning process that the site was needed for a higher public use. If termination is sought to eliminate a marginal lessee, then we would seek funding as we proceed with termination notices.

POTENTIAL IMPACT OF CHANGE:

This would provide the Corps with the flexibility needed to provide consistently top-quality facilities to the public. If we emphasize more and more provision of recreation facilities through the private sector, the percentage of failures will increase. Our lack of authority has created inequitable situations where districts have continued less-than satisfactory sites or concessions because of the hardship of removal.

PROPOSAL:

Eliminate adverse fee competition from Corps - Ensure that the Corps recreation fees do not undercut private/non-federal competition.

ASSUMPTIONS:

None

APPLICABLE LAWS, REGULATIONS, POLICIES:

Land and Water Conservation Fund Act of 1965, Public Law 88-578, 78 Stat. 897, as amended (16 USC 4601-6)

Title 36, Code of Federal Regulations, Part 327.23

Title 36, Code of Federal Regulations, Part 71

Public Law 90-483, as amended

ER 1130-2-404

CONSTRAINTS:

1. Authority for Charging User Fees -

The Land and Water Conservation Fund Act of 1965, Public Law 88-578, and Title 16 U.S.C., Section 4601 require that users of specialized sites, facilities, equipment or services provided at Federal expense will be assessed fair and equitable fees.

Paragraph d of ER 1130-2-404 specifies "Comparability with recreation fees charged by other Federal and non-Federal public agencies and the private sector within the service area of the management unit at which the fee is charged".

Our current policy is to charge fees comparable to the fee structures used by other recreation providers within the project area for those items we are authorized to exact a fee. Our providing certain facilities without a fee, which is considered by some to be unfair competition, is based on prohibitions from charging fees.

2. Giving price breaks to the Retired and Disabled -

Paragraph 11.b. of ER 1130-2-404 specifies that the Corps of Engineers will comply with procedures established by the Secretary of Interior to permit any citizens of, or persons domiciled in, the United States who have been medically determined to be blind or permanently disabled (for purposes of receiving benefits under Federal law) to receive free Golden Access Passports. Golden passports enable a user to obtain a 50% reduction in user fees for the use of specialized facilities for which general members of the public are assessed a fee. (See also Part 327.23 (d) of Title 36 of Code of Federal Regulations).

3. The Requirement for a Free Campground -

16 U.S.C. 4601-6a (b) and Part 327.23 (e) of Title 36 of Code of Federal Regulations states that "each Corps lake or reservoir where camping is permitted, the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities and vehicular access, where no fees will be charged.

4. Inability to Charge for certain items such as entrance fees -

Title 16, U.S.C., Section 4601-6a(b) specifically prohibits, among other things, "in no event shall there be a charge by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, roads, overlook sites, visitor centers, scenic drives, toilet facilities, picnic facilities, picnic tables, or boat ramps".

RESOLUTION OF CONSTRAINTS:

Existing policy could only be changed if specific provisions of Title 16, U.S.C., Section 4601 were amended to either eliminate all restrictions or the specific ones presented above.

POTENTIAL IMPACT OF CHANGE:

Considerable increases in the collection of revenues would occur at Corps operated and maintained areas as well as at selected Concession sites where Corps money was utilized to construct a portion of the facility (ie., Corps constructed a boat ramp that now located within a commercial lease area) if authority to charge for certain items were given. There may, however, be an increase in tort liability with the charging of fees for certain activities and

facilities as per varying state recreational use statutes. The proposed removal of certain "perks" for the elderly and handicapped such as the 50% reduction in fees would generate intense opposition from both public and Congressional interests. A proposal for a general entrance fee or a fee for the use of boat ramps and day use areas would also likely generate considerable controversy. A removal of the free campground requirement would be much less controversial.

PROPOSAL:

Eliminate or reduce all current restrictions on types of recreation lessees may provide on Corps property, such as more local community type recreation facilities (tennis courts, swimming pools, etc.).

ASSUMPTIONS:

It is assumed that the facilities which are the subject of this proposal are "stand alone facilities" (i.e. those facilities which can exist independent of a water resource project). It is also assumed that the project is not a cost-shared project which is discussed in another section. Also, that any type of recreational opportunity to be offered by a lessee will be in the public interest.

LAW, POLICY OR REGULATION APPLICABLE:

16 U.S.C. 460d.

ER 1165-2-400, Appendix B, Subparagraph B-3c.

Unwritten policy applying this list to non-cost shared projects and prohibiting or discouraging stand alone facilities.

ER 405-1-12, Chap VIII

CONSTRAINTS:

There are no apparent law, policy or regulatory constraints. 16 U.S.C. 460d provides that the Secretary of the Army may authorize local interests to construct, operate and maintain public parks and recreation facilities. Since the statute does not provide a definition of the terms "recreation facilities", it would seem that these facilities are not limited to only water resource related facilities. The only limitation would seem to be that the facilities are in the "public interest".

ER 1165-2-400, Appendix B, Subparagraph 3c sets forth the stand alone principle as follows: "Simply stated, if a recreation feature does not take advantage of an opportunity created by the project, it 'stands alone' -- that is, it could be built at the same location without the water resource project and not lose any of its utility. When facilities stand alone, the Corps should not participate in their development." Although this regulation discourages Corps participation in the

development of stand alone facilities, it does not prohibit such facilities when funded by others.

Although there are no apparent written constraints, historically, there has been an unwritten policy, which varies from district to district, prohibiting/discouraging stand alone facilities such as golf courses, tennis courses, childrens playgrounds, swimming pools, etc., on public lands administered by the Corps. Apparently this policy has been based on the feeling that since the authority for authorizing recreational facilities is derived from 16 U.S.C. 460d, that any recreational facilities must be directly related to water resource recreation (e.g. boat ramps, camping pads, marina developments, etc.). It is also based, possibly, on the Corps' lack of authority to cost-share stand alone facilities.

RESOLUTION OF CONSTRAINTS:

A written policy on stand alone facilities would clarify the existing uncertainty and would be within the Secretary of the Army's discretionary authority under 16 U.S.C. 460d and could allow other types of recreational opportunities to be offered by a lessee.

POTENTIAL IMPACT OF CHANGE:

The recreational demands of a large segment of the public may not be well served by the limited range of activities currently authorized. However, if lease restrictions are liberalized, some activities (golf driving ranges, skeet shooting ranges, etc.) may be in direct competition with other private sector providers in the vicinity of the project.

COMMENTS/NOTES:

Any new policy should address the question of how large a segment of the public must be interested in the proposed facility. The various District should review the types of recreational opportunities services now offered by state and local governments and the private sector at Corps lake projects. The regulations should be amended to add a written policy to keep pace with changes in the types of recreational opportunities demanded by the public.

Stand alone facilities should not be rejected flatly, but should be evaluated in terms of compatibility with the master plan, availability of the same facilities elsewhere in the immediate area, economic feasibility, and public demand for such facilities. Approval of these type facilities would certainly enhance the recreational opportunities available.

PROPOSAL:

Allow inclusion of several recreation areas in a single lease instrument.

LAW, POLICY, REGULATIONS:

16 U.S.C. 460d
ER 405-1-12

ASSUMPTIONS:

Since multiple recreation sites within a single project have been included in a single lease instrument, this is assumed to refer to multiple projects or to consolidation of recreation and fish and wildlife into one document so as to allow transfer of funds between projects and uses by non-federal governmental entities and not by private entities.

CONSTRAINTS:

It is our opinion that there are serious obstacles to merging cost-shared projects with projects without cost-share obligations or with different obligations.

The transfer of funds between projects includes consideration of two major issues: one a policy issue and the other a legal issue. As a matter of law, 16 U.S.C. 460d provides that any lease or license which involves lands utilized for the development and conservation of fish and wildlife, forests, or other natural resources, may authorize the licensee or lessee to cut timber and harvest crops and to collect and utilize the proceeds from sales of timber and crops in the development, conservation, maintenance and utilization of such lands and that the balance of any proceeds not utilized shall be paid back to the United States at such times as the Secretary determined appropriate. This appropriate pay-back period was set at five years. As a matter of policy, we extended this concept and required all receipts generated from operations on the premises to be used there or be returned after five years, for both park and recreation leases and fish and wildlife licenses. Therefore, there is a legal/policy difference depending on whether the funds are generated from timber and crops or from other revenue producing activities.

If the lease or license includes fish and wildlife, etc., then the lessee or licensee may be authorized to cut timber and harvest crops. If the instrument does not include these purposes, such as a park and recreation lease, the lessee or licensee may

not be authorized to do these particular revenue producing activities, even though the United States may.

Combined outgrants for park and recreation and fish and wildlife functions are not specifically authorized. Into the 1970's, OASA(I,L&E) voiced strong opposition to the use of one instrument to cover both park and recreation and fish and wildlife activities for various reasons, including the type of estate granted, and required delineation of the areas to be managed for each use. Consolidated leases were approved in a few instances on a case by case basis. The use of consolidated instruments has not been delegated to the field except for PL 89-72 projects under the approved cost-share contracts. Substantial deviation from the delegated forms also includes supplemental agreements which substantially change the approved terms.

One request has been reviewed and approved within the last six years to manage three separate projects as a unit for forestry management purposes and, therefore, use the proceeds from one project at the other projects in the unit. The existing instruments were cancelled. Separate leases were issued for recreational purposes and one 25-year licence was issued covering fish and wildlife, timber, and other natural resources at all three projects. Therefore, the concept has already been approved, but either each specific recommended proposal would need to be reviewed or a generic situation would need to be approved. Some of the facts which would need to be reviewed would be the past record of the state's program, the source and volume of receipts involved, the viability of managing the projects as a unit, the reasons why the projects should be merged together, the type and term of existing outgrants and any project authority limitations.

When dealing with a state, consolidation of all projects within the state may not be possible if the state is divided between districts or if fish and wildlife and park and recreation functions are in separate agencies of the state. Standardization of the separate lease documents with one entity could be negotiated and, if the document is non-standard, be submitted to higher authority for approval.

RESOLUTION:

No legislation is required. An amendment of the policy and appropriate regulation and lease forms would be required.

POTENTIAL IMPACT:

The consolidation of too many projects, sites or functions under one outgrant could create a management nightmare. For

example, if the lessee is in non-compliance at just one project or site, would lease revocation be difficult to justify? In addition, the cost to administer the consolidated instrument would probably not be any cheaper since the land area covered would be the same. Compliance inspections would still have to be site specific. Approvals and coordinations would still be required. Renewal negotiations of one outgrant could be difficult for so many different areas, whereas, standardized lease documents could be staggered to become due in different years.

PROPOSAL:

Allow Corps operation of turned back recreation areas to encourage potential lessees as well as Corps elements to consider less than ideal leasing agreements.

ASSUMPTIONS:

Two scenarios are implied and will be discussed during the evaluation of this proposal: (1) Corps operation of "existing" closed turned back areas, and (2) Relaxation of the existing closure policy to facilitate the leasing of facilities currently operated and maintained by the Corps.

APPLICABLE LAWS, REGULATIONS, POLICIES:

16 U.S.C. 460d

ER 1130-2-400, Paragraph 22 c. and Appendix D

DAEN-CWR-R 10 November 1981 Policy Letter, Subject:
Management Considerations for Recreational Areas Relinquished
by Non-Federal Interests

CONSTRAINTS:

Paragraph 22 c. of ER 1130-2-400 indicates that it is the policy of the Corps to close all leased recreation areas returned to the Corps.

Paragraph D-3 of Appendix D of ER 1130-2-400 specifies that an exception to the closure policy may be considered if each of the following criteria is met:

a. An efficient and feasible management alternative can be effected for implementation by the Corps.

b. Total Corps O&M responsibilities including both funds and manpower requirements are reduced or prevented from increasing.

RESOLUTION OF CONSTRAINTS:

The current closure policy is a best management practice that has been incorporated into ER 1130-2-400. This BMP arose as a strategy in 1981 to manage a situation where three states parks leased by a large eastern state were going to be

turned back to the Corps because of financial problems. It appears that only two sections of ER 1130-2-400 would need to be rewritten to authorize either of the scenarios discussed in the subject proposal.

POTENTIAL IMPACT OF CHANGES:

1. Corps Operation of Existing Closed "Turned back" Areas -

The reopening of existing returned closed facilities by the Corps would certainly provide a service to the public and be received with widespread public support. The existing closure policy has always been unpopular with members of the public because they see facilities built with their tax dollars locked up and not available for use. The cleaning up and rehabilitation of such areas with the purpose of getting them into a condition where they would be attractive to a prospective concessionaire or public non-federal lessee might well result in additional outgrants. Notwithstanding this, it would seem unwise to continue to keep already existing areas at a project closed while overcrowding occurs at other areas on the same project.

2. Relaxation of the existing closure policy to facilitate the additional leasing of public recreation areas currently operated and maintained by the Corps -

Evaluation of this proposal is difficult. Its implementation would undoubtedly result in an increase in leases for recreational purposes. This proposal would act as an incentive to those who sincerely want to undertake a venture but are hesitant because of the specter of closure if they were to fail. It could, however, lead to a move to lease newly rehabilitated Corps campgrounds where there is a potential to collect significant quantities of user fees. The negative impact of this would be that routine and major maintenance could be avoided and an entire facility turned back after it was in a condition requiring major maintenance, repair, and facility replacement. The consequences of this would be low quality public campgrounds and deteriorated facilities that would require a large Corps investment for rehabilitation. However, relaxation of the existing closure policy and a simultaneous revitalization of the old cost sharing program could probably be effectively used to foster the development of new recreation areas at existing projects.

PROPOSAL:

Encourage college or university to run park(s) using students who are gaining college credits and/or money from their efforts, i.e. graduate assistants/interns, etc.

ASSUMPTIONS:

NONE

LAWS, POLICY, REGULATIONS APPLICABLE:

16 U.S.C. 460d

CONSTRAINTS:

None, the leasing of a park area to a college or university is allowable under current policy, laws, and regulations.

PROPOSAL:

Encourage a tax law change to allow for tax breaks for construction of recreational facilities on Corps land.

ASSUMPTIONS:

Applicable to private sector development only.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

IRS Tax code

CONSTRAINTS:

The Secretary of the Army lacks of the legal authority to authorize tax breaks. Any constraints are in the IRS tax code. Any developer would be able to take advantage of the usual tax incentives for development of facilities.

RESOLUTIONS OF CONSTRAINTS:

Work with Internal Revenue Service to get a legislative change to allow this type of recognition.

POTENTIAL IMPACT OF CHANGE:

The needs of general public would be restricted to those activities that produce maximum income and tax incentives.

PROPOSAL:

Foster local lake organizations/committees to lobby for private/non-federal recreational facilities/developments on Corps lands.

ASSUMPTIONS:

The term foster is defined as "to promote the growth or development of". A lake association or committee is defined as a formally organized body with a written set of by-laws and a board of directors or officers organized for the purpose of assisting governmental agencies such as the Corps in the management of project lands and waters.

APPLICABLE LAWS, REGULATIONS, POLICIES:

ER 1-1-8
ER 1130-2-400, Paragraph 23 a. (1)
ER 1130-2-432

CONSTRAINTS:

Paragraph 23 a. (1) of ER 1130-2-400 indicates that major plans or programs affecting public use of project lands and waters shall be submitted for comment to the appropriate individual or officer of organizations such as Federal and state wildlife agencies, local conservation groups, sportsmen clubs, and lake associations.

Paragraph 23 a. (5) of ER 1130-2-400 indicates that working relationships will be maintained with local private recreation industries, lake associations, conservation organizations, and professional societies and exchange views, speakers, exhibits and publications.

Paragraph 23 a. (6) of ER 1130-2-400 states that communication should be maintained through various means including public meetings or agency coordination meetings at all organizational levels. Congressional leaders and state and local government representatives will be kept apprised to impending policy changes or actions which may be controversial.

Paragraph 8. of ER 1130-2-432 indicates that volunteers may carry out any activity for the Corps of Engineers except policy making or law or regulatory enforcement. Almost any other type of work may be performed by volunteers.

Paragraph 4 of ER 1-1-8 states that 18 U.S.C. 1913 prohibits the use of appropriated funds, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress.

RESOLUTION OF CONSTRAINTS:

Where the Corps would be utilizing an organization to lobby Congressmen for legislation or appropriations for privatization, such actions could be undertaken only after the modification of Title 18.

POTENTIAL IMPACT OF CHANGE:

Evaluating the impacts of this proposal are difficult because much would depend upon just how the Corps uses the Association. If the Corps were to only inform the group of its privatization initiative for development of new recreational facilities as a part of the task of getting public input to better manage a project, this would be well within current policy guidelines. If, however, the Corps were to attempt to utilize such groups to push its agenda in the political arena it appears as though that this action would violate the 18 U.S.C. 1913, as cited above. If the statute were changed to allow for the Corps to directly support an organization which would lobby on the Corps' behalf, it is likely that considerable public opposition would arise.

PROPOSAL:

Increase Private/Non-Fed. Involvement with Marketing and Promotion

1. Engage in economic promotion and marketing to encourage private/non-federal entities to lease recreation areas which are capable of earning a profit.
2. Use Corps resources to develop a regional promotion program for the region/area/lake/park.

ASSUMPTIONS:

Assume that the proposed development area has been allocated in the Master Plan for this type of development.

LAW, POLICY, REGULATION APPLICABLE:

ER 405-1-12, CH 8 provides for advertising potential lease sites in recreational publications and other media.

PL 85-481
ER 37-2-10

CONSTRAINTS:

The costs associated with promoting and developing an area through an organized marketing plan are not covered in our general O&M budget. These could be done by contracts which are subject to availability of funds and priority need.

Currently there is no policy in place which allows us to develop a promotion plan for our projects. P.L. 85-841 authorizes the Chief of Engineers to publish information pamphlets, maps, brochures, and other material on civil works projects and to charge a price not less than the cost to reproduce, except for simple roadmaps which would be given free to project visitors. This is implemented by ER 37-2-10.

RESOLUTIONS OF CONSTRAINTS:

Develop policy within the authority of PL 85-480 to make better use of the regional and project brochures. Authority to actively market, advertise and promote projects and regions would require legislation.

POTENTIAL IMPACT OF CHANGE:

If Corps was allowed to contract with marketing agencies, we could benefit from their expertise as well as getting national exposure through use of their mailing lists.

With legislation in place to develop and implement a professional marketing and promotion plan, a larger segment of the population could be reached through the various media sources. Active marketing could also be used to educate the public on the Corps roll in recreation. Increased marketing would result in drawing more tourists and lake users to our lake.

PROPOSAL:

Offer entire lakes for lease to private sector for public recreation (minus the dam and outlet works) to encourage private sector/non-federal recreational development.

ASSUMPTION:

There are certain inherent governmental functions even in the recreation, environmental, fish and wildlife, cultural, and natural resource management areas which probably can not be transferred to a private entity. It is assumed that the dam and outlet works are not offered to the private sector since the operation of these facilities is a government function that should not be contracted out. It is also assumed that the Corps would retain control of all other operational areas necessary to comply with its statutory and regulatory responsibilities.

It is assumed that the Master Plan and lakeshore management allocations are in place and that the revision of these documents is not to be turned over to the private entity since these decision making functions are a government function which must balance competing interests. Fish and wildlife obligations will not be assumed and the authority to cut timber can not be transferred. Title 36 enforcement authority and state concurrent law enforcement authority can not be transferred.

The lease offer shall have been made to other federal, state, and local government entities prior to soliciting lease proposals from the private sector. Non-profit organizations have been considered.

It is assumed that this proposal concerns enhancement of "public" recreation and is not a proposal concerning private recreational uses such as club sites, yacht club sites, or cottage sites.

APPLICABLE LAWS, REGULATIONS AND POLICIES:

16 U.S.C. 460d
10 U.S.C. 2667
ER 405-1-12, Chap VIII
ER 1130-2-400
36 CFR 327.30(d)(3)
PL 88-587. Sec 2(d)
Forest Cover Act

CONSTRAINTS:

Preference is to be given to Federal, state or local governmental agencies when leasing land and facilities at water resource projects. 16 U.S.C. 460d.

Leases to non-governmental entities must be granted competitively and for fair market consideration. ER 405-1-12, subparagraphs 8-20d and j.

There could be specific constraints from the project authorizations. Under 16 U.S.C. 460d, the Secretary of the Army is given almost complete authority to administer lake project areas in whatever manner he "may deem reasonable in the public interest." However, 16 U.S.C. 460d provides that "The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such areas along the shores of such projects shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest." A free campground must also be provided, if camping is provided.

The current policy and regulations concerning private exclusive use and 14-day stay limit would restrict or limit the private sector capability to develop, operate and maintain a leased project area at a reasonable return on its investment.

RESOLUTIONS OF CONSTRAINTS:

A statutory change would be necessary to eliminate preferential treatment for leasing to governmental entities. Although a regulatory change would be necessary to change the requirement for competition, the ASA is authorized to waive competition in certain cases (i.e. "where it will be in the public interest or promote national defense to fore go competition; where competition is impracticable, e.g. where an adjoining owner has the only means of access to the land to be leased." ER 405-1-12, subparagraph 3d).

The current policy concerning private exclusive use and the 14-day policy are discussed in a separate proposal. The general considerations of 16 U.S.C. 460d are also discussed in a separate section.

Any policy decision to make the entire project available to one private entity should address whether the overall management and operation of the recreation aspect of the project involves discretionary decisions that make it an inherent government function, just as the operation of the dam and outlet works are, and, therefore, should not be offered to a monopoly/private

entity. The provision of recreational opportunities through the private sector have always provided for overall governmental management discretion not driven by the profit motive and for competition between the various private entities.

POTENTIAL IMPACT OF CHANGE:

A statutory change to eliminate the requirement to give governmental entities preferential treatment would eliminate any potential conflicts where both a private and governmental entity are interested in developing and/or managing the same area. Elimination of competition would subject the government to a great amount of criticism concerning the manner in which lessees are selected. Since waivers of competition are already available, provided the ASA reaches the decision that a waiver is in the public interest, a regulatory change does not seem necessary.

The following impacts may occur if the entire project is outgranted to one private sector entity:

a. Increase in day use rates, as the lessees' charges will be more in line with actual cost of operation and competition will have been eliminated.

b. May violate project authorizations which balance various purposes, i.e. fish and wildlife, recreation, natural resource management, flood control/hydro power, and place greater emphasis on those activities which produce the greater profits.

c. Corps resources management standards may not be fulfilled by private sector management which could reduce the quality of future natural resources available.

Some level of FTE (personnel) would still be required at the project due to the many inherent governmental functions which can not be transferred to the private entity.

COMMENTS/NOTES:

Many of the constraints to leasing to a private entity do not apply to leases to non-Federal governmental entities. A related proposal has been implemented by leasing a Corps project to non-federal governmental agencies. On 1 September 1981 the Federal Government leased B. Everett Jordan Dam and Lake Project to the State of North Carolina for a fifty (50) year term. North Carolina has the right to use and occupy approximately 45,478 acres of land and water areas. The Corps is paying for 100% of the initial recreational facility development cost. After the initial development phase, it is anticipated that the Federal and North Carolina will cost share future recreation facility development at this project. There are many other similar cases where Department of the Army water resource projects have been leased to non-federal governmental agencies, but not to private entities.

This proposal is already authorized pursuant to the broad leasing authority the Secretary of the Army has under 16 U.S.C. 460d. However, there are considerable constraints to leasing entire lakes to private entities for public recreation. Because of the large amount of O & M costs associated with managing an entire lake, this proposal only seems feasible on smaller projects where there is a large amount of revenue available to the lessee.

PROPOSAL: Ease the cost sharing restriction on development, pay back, types of facilities, potential sponsors, etc.

ASSUMPTIONS: Cost-sharing only - not to apply to 100% non-Federal funded.

LAW, POLICY, REGULATION APPLICABLE:

PL 99-662 and PL 89-72 on cost-sharing with non-Federal public entities for new projects. Applied as policy to older projects.

ASA(CW) policy letter of 16 June 1983 requireing advance payment by local sponsors for recreation cost sharing development and eliminating payment over time.

ER 1165-2-400, App. B, List for cost-shared facilities

CONSTRAINTS:

See above

RESOLUTION OF CONSTRAINTS:

We are currently not authorized to cost share with private sector entities. If this is contemplated, the law must amended.

Policy on payment and approved facilities would need to be modified.

POTENTIAL IMPACT OF CHANGE:

We could expect some private sector sponsors to be interested in cost-sharing, especially if the payment in advance and approved facilities list were modified. Many smaller non-Federal government entities are eliminated by the advance payment requirement.

PROPOSAL: Offer low interest, long-term Federal loans for private/non-Federal entities to develop public recreational facilities on Corps lands/waters.

ASSUMPTIONS:

Non-Federal entity means non-Federal Governmental entity. Loans would be an alternative to cost-sharing.

LAW, POLICY, REGULATION APPLICABLE:

PL 89-72 and PL 99-662 authorize cost sharing with non-Federal public bodies but make no provisions for similar arrangement with private entities. Long terms loans paid back with interest are not authorized.

CONSTRAINTS:

See above.

RESOLUTION OF CONSTRAINTS:

Authorization by Congress to provide low interest loans.

POTENTIAL IMPACT OF CHANGE:

Loans, even with interest, could be more attractive to non-Federal governmental entities who can not come up with an advance cost-sharing payment. Private sector development is traditionally done with financing, so that attractive low interest would enable more development by private entities.

PROPOSAL: Lease out lands for public recreation and then construct all or part of the infrastructure including roads, parking lots, boat ramps and sanitary facilities (which usually constitutes the largest initial capital expenditure).

ASSUMPTIONS:

That the development is not at a new project.

LAW, POLICY, REGULATION APPLICABLE:

1. 16 U.S.C. 460d
2. ER 405-1-12
3. Applicable lease forms
4. ER 1164-2-400
5. PL 99-662/Policy prohibiting new Federal development of recreational facilities.

CONSTRAINTS:

Budgetary constraints of funding such development.

RESOLUTION OF CONSTRAINTS:

Modification of the existing cost-sharing legislation may be required to allow this type of split in funding. Modification of various policies.

POTENTIAL IMPACT OF CHANGE:

Not fully known at this time. The Army would expend more money in the development of infrastructure facilities.

PROPOSAL: Seek legislative authority to acquire land to facilitate recreation development under eminent domain to provide a private/non-Federal entity with adequate land and location to engage in profitable public recreation activities.

ASSUMPTION:

1. The legislation would be generic authority.
2. Current project authority is not adequate.
3. Eminent domain does not preclude direct acquisition and is being used in a broader context of Federal acquisition.

LAW, POLICY, REGULATION APPLICABLE:

1. ER 405-1-12
2. ER 1165-
3. ER 1130-2-438, Master Planning

CONSTRAINTS:

1. Funding
2. Many older projects lack acquisition authority for recreation, however, this is not true of all projects.
3. Urban projects, especially "Eisenhower" projects, have intense development up to the project boundary and additional acquisition might not be feasible.

RESOLUTION OF CONSTRAINTS:

Each individual project would have to be reviewed to determine if land available for recreational activities was inadequate for profitable operation. Those projects which were identified as requiring additional land could then follow existing procedures for requesting Congressional authority to acquire that land. If additional authority were provided in a generic legislation, those procedures could be followed.

PROPOSAL: Consult with and provide expertise to private/non-Federal governmental entities on risk management and provide design and/or construction services to accomplish assessed remedies.

ASSUMPTIONS:

It is not known whether these services were intended to be provided free or on a reimbursable basis. It is assumed that the services would not be free, but would be at a reduced rate.

LAW, POLICY, REGULATION APPLICABLE:

Work for others

CONSTRAINTS:

Funding and manpower.

RESOLUTION OF CONSTRAINTS:

Some Districts would be better able to provide services than others. Funding and manpower would be required.

POTENTIAL IMPACT OF CHANGE:

Improved risk management would provide a better service to the public.

PROPOSAL: Fund or provide maintenance of an area with the operation left to the private/non-Federal entity.

ASSUMPTIONS:

1. Maintenance means major maintenance and not routine maintenance associated with yearly operation.
2. A lease is in effect with the entity
3. The non-Federal governmental entity is not obligated under a cost-share contract to provide maintenance.

LAW, POLICY, REGULATION APPLICABLE:

1. 16 U.S.C. 4601-13 and 16 U.S.C. 460d
2. PL 89-72
3. PL 99-662

CONSTRAINTS:

PL 89-72 and PL 99-662 require the local sponsor to be responsible for operation and maintenance. No distinction is made in law between major or minor maintenance. Even if Congress modified the requirements, any changes to contracts entered into under these laws would have to be carefully reviewed for impact on original project authorities.

RESOLUTION OF CONSTRAINTS:

Congress would have to authorize the Army to provide maintenance of facilities developed under previous cost-share programs.

The authority to enter into cooperative agreements with private entities would need to be clarified. For areas built at full Federal expense or for older projects where cost-share restrictions are applied as a matter of policy, existing project authority to expend money for maintenance could be sufficient to allow such cooperative arrangements.

POTENTIAL IMPACT OF CHANGE:

The funds needed to provide major maintenance to aging facilities and infrastructure will be a serious impediment to

having non-Federal governmental or private entities take over existing Corps-operated areas. If we could continue to fund for these expenditures, then other entities might be interested in taking over the yearly operational costs. This could save Federal funds expended for the operation of the area.

Since fees are usually associated with the yearly operation, we would have to review whether we would give up all fees collected or retain a percentage. We would lose revenue and SRUF money.

PROPOSAL: Fund feasibility studies as the cost of feasibility studies deters potential recreation providers from pursuing leases.

ASSUMPTIONS:

That the intent is to fund the recreation provider's study and not to provide additional Corps studies. That the statement is correct that this is a deterrent.

LAW, POLICY, REGULATION APPLICABLE:

ER 405-1-12

ER 1130-2-428, Master Planning

CONSTRAINTS:

Market analysis and feasibility studies are currently performed before a site is offered for lease. Funding would be required for each additional study.

RESOLUTION OF CONSTRAINTS:

Change policy and request additional funding.

POTENTIAL IMPACT OF CHANGE:

The impact is difficult to assess. More studies would be performed if the Federal Government were paying the tab.

SECTION 2

REVIEW OF PROPOSALS SUGGESTED TO ENHANCE THE CORPS MANAGEMENT OF RECREATION SITES

PROPOSAL:

Expand Congressionally authorized project purposes to allow more diversification of use of public lands.

ASSUMPTIONS:

None

APPLICABLE LAWS, REGULATIONS, POLICIES:

Each individual project authorization

16 U.S.C. 460d (Flood Control Act of 1944, Section 4)

Flood Control Act of 1962

Federal Water Project Recreation Act of 1965 (P.L. 89-72)
(79 Stat. 213, 16 U.S.C. 46011-12)

Public Law 86-717, Forest Cover Act (74 Stat. 817)

Section 3 of the Fish and Wildlife Coordination Act (P.L. 85-624) (72 Stat. 563)

Public Law 93-205, Endangered Species Act of 1973

Rivers and Harbor Act of 1958, Section 104, Control of Undesirable Aquatic Plants, 33 U.S.C. 610)

Public Law 99-662, Sections 906, 926, 1127, and 1134

ER 1130-2-400

ER 1165-2-400

ER 1130-2-406, Lakeshore Management

CONSTRAINTS:

Each project has a specific authorizing legislative document. In addition, project lands can now be utilized for a variety of uses and purposes, but the authorities for these additional activities consist of fragmented pieces of legislation that have accumulated over a period of 45 years.

RESOLUTION OF CONSTRAINTS:

The fragmented and scattered authorities within the areas of recreation and natural resource management can be consolidated by passage of an organic act, similar to that of the Park Service Organic Act of 1916 (16 U.S.C. 1, 2-4) and the Forest Service Organic Act of 1944 (16 U.S.C. 52 -527) as enlarged by the Multiple-Use Sustained Yield-Act of 1960 (P.L. 86-517, 74 Stat. 215; 16 U.S.C. 528-531). The wording of an analogous act for the Corps might read:

An Act to authorize and direct that Water Resource Development Projects operated and maintained by the Corps of Engineers under direction of the Secretary of the Army be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Sec. 1. It is the policy of the Congress that Water Resource Development Projects operated and maintained by the Corps of Engineers under the direction of the Secretary of the Army are established and shall be administered for multiple-use to include outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the various Water Resources Development projects were established as set forth in their individual authorizing legislation. Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on Water Resource Development Projects.

Sec. 2. The Secretary of the Army is authorized and directed to develop and administer the renewable surface resources of Army Corps of Engineers operated and maintained Water Resource Development Projects for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of Water Resource Development Projects due consideration shall be given to the relative values of the various resources in particular areas.

Sec. 3. In the effectuation of this Act the Secretary of the Army is authorized to cooperate with interested State and local governmental agencies and others in the development and management of Water Resource Development Projects and to accept and use donations of money, property, personal services, or facilities for the purposes of this part.

Sec. 4. As used in this Act, the following terms shall have the following meanings:

(a) "Multiple-use" means: The management of all the various renewable surface resources, to include recreation, historic and archaeological resources, and the aesthetics of viewscales, of the Water Resource Development Projects in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(b) "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the water resource projects without impairment of the productivity of the land.

(c) "water resource development project" (define. . .)

POTENTIAL IMPACT OF CHANGE:

The passage of an organic act would clarify our existing authorities, make management of all projects more consistent, and make them much more understandable to the public and various user groups. The end product should be a more consistent and uniform program of management across the 472 Water Resource Development Projects operated and maintained by the Corps of Engineers. Implementation of this proposal would lead to a more diverse use of project lands and raise the public visibility of the recreation and natural resource management programs. The passage of an organic act would provide a clear signal to today's environmentally conscious society that the Corps is a leader in environmental management. This proposal is clearly appropriate when considered along with Corps involvement in various other environmental programs such as the North American Waterfowl Management Plan, the Upper Mississippi River System Environmental Management Plan, and the Great Lakes Environmental Action Program. Implementation of the proposal to draft an organic act would also do much to strengthen our contention that the Corps should qualify for disbursements from the Land and Water Conservation Fund.

PROPOSAL:

Reduce planning and design standards to lower costs.

ASSUMPTIONS:

This very general comment is interpreted to refer to the "gold-plating" comment that is sometimes made in reference to selected Corps constructed recreation facilities.

APPLICABLE LAWS, REGULATIONS, POLICIES:

EM 1110-1-400, Recreation Planning and Design Criteria

EM 1110-2-410, Design of Recreation Areas and Facilities - Access and Circulation

CONSTRAINTS:

None

RESOLUTION OF CONSTRAINTS:

Old perceptions die hard. "Gold plating" is a clear violation of guidance contained in EM 1110-1-400. There are, therefore, no real constraints to eliminating this problem. This problem can be eliminated when it does occur through an interdisciplinary team approach to the design process. Paragraph 1-4. d. of EM 1110-1-400 outlines a procedure to follow for this approach.

The design criteria and standards contained in EM 1110-1-400 are intended to produce safe, efficient, cost-effective recreation facilities that are accessible and enjoyable to all. The design must provide for the health, safety, security and comfort of the visitor in all aspects of development. Paragraph 1-4. c. of the same EM states that care must be taken to avoid overdesign and underdesign in both size and number of facilities. Economy of scale and life cycle cost analysis using cost effective materials must be considered. Facilities should be consistent with anticipated visitation and the carrying capacity of the site. Cost effective off-the-shelf items should be incorporated where compatible with resource use objectives established in the Master Plan.

POTENTIAL IMPACT OF CHANGES:

Without any data on the extent or magnitude of overdesign it is not possible to assess the impact of its elimination. Certainly, at the individual project level it will stretch construction dollars and result in the Corps better serving the tax paying public. Additionally, it would encourage more non-federal agency recreation participation because of the reduced quantity of funds required to design and construct recreation facilities.

PROPOSAL:

Reduce O & M Standards.

ASSUMPTIONS:

None.

APPLICABLE LAWS, REGULATIONS, POLICIES:

ER 1130-2-400

EM 385-1-1, Safety and Health Requirements Manual

Virtually all ER 1130-2-XXX Regulations

Occupational Safety and Health Act and Standards

Federal Insecticide, Fungicide, and Rodenticide Act (92 Stat. 816, 40 C.F.R. 160 - 180)

Federal Water Pollution Control Act, as amended (86 Stat. 816)

Superfund Amendments and Reauthorization Act of 1986

Endangered Species Act of 1973, P.L. 93-205, as amended (50 C.F.R. 402 and 50 C.F.R. 17)

National Historic Preservation Act of 1966, as amended (P.L. 89-665, section 110; 36 C.F.R. 60, 63, 800)

National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190; U.S.C. 4321-4347)

Amendments to P.L. 96-95 U.S.C. 470aa-11 contained in Public Law 100-555, Section 14 and Protection of Archaeological Resources Uniform Regulations (18 C.F.R. 1312, 32 C.F.R. 229, 36 C.F.R. 296, and 43 C.F.R. 7)

Resource Conservation and Recovery Act amendments of P.L. 94-580, 42 U.S.C. 6912, and 42 U.S.C. 6991

Safe Drinking Water Act (P.L. 93 523)

CONSTRAINTS:

Many broad procedural standards are imposed by various

Federal and State laws. Those listed above are only a sampling of those that impact O&M at Corps operated and maintained Water Resource Development Projects. Many of the specific standards specified within Corps EM's, TM's, and regulations reflect requirements imposed by Statute or are best management practices developed through application of the Corps Safety and Health Requirements Manual. The question suggested by the proposal is too indefinite to specifically address.

RESOLUTION OF CONSTRAINTS:

The constraints on modifying a standard vary with the specific standard itself and the basis for that standard. Some may be easily changed, whereas others may require legislative action by either the Federal or specific state governments. Still other standards may not be changed because they protect the health and safety of staff or the visiting public. A resolution statement cannot be made without reference to a specific standard.

POTENTIAL IMPACT OF CHANGES:

An easing of the various restrictions imposed by the above laws would certainly reduce the expenditure of funds but this probably would not be desirable from a social or ecological standpoint. There is no uniform set of Corps standards for items such as garbage pickup, the mowing of grass, etc. because of the tremendous diversity represented at the 472 projects operated and maintained by the Corps of Engineers Natural Resources Management element. Individual Resource Managers and their staffs are responsible for conducting programs which service the public in a fiscally responsible manner.

PROPOSAL:

Make master plans and operational management plans dynamic to enable quick response to change in trends and conditions.

ASSUMPTIONS:

None.

APPLICABLE LAWS, REGULATIONS, POLICIES:

ER 1130-2-400, Paragraph 9, Appendix B

ER 1130-2-435 Paragraphs 7d and 8

CONSTRAINTS:

Funding has not been made available to do timely revisions of the Master Plans and Operational Management Plans under the new regulations. Paragraph 10 of ER 1130-2-400 indicates that OMP's and Master Plans will be updated as required and when funds are available through the budget priority process. Paragraph 7d of ER 1130-2-435 states that coordination with other agencies and the public shall be an integral part of the master planning process. The process shall be conducted in a manner which maximizes long term cost effectiveness of the preparation, maintenance, and implementation.

RESOLUTION OF CONSTRAINTS:

The Operational Management Plan itself replaced the old appendices to project master plans. The concept behind this action was to develop a working document that is prepared by the project staff primarily for their use in the management of the project's recreational and natural resources. The yearly work plan contained within the OMP makes the entire document extremely dynamic. There are no institutional constraints which prevent the document from being dynamic, in fact, the OMP is supposed to be dynamic and responsive to change. The newness of the concept in selected areas may be the reason for the problem expressed in the proposal.

The revisions of Master Plans to reflect changing conditions is slow in most cases because of the low priority it is generally given in the budgetary process. The extensive public review required for Master Plan revisions also makes the process

inherently slower than OMP revisions. Revision times for Master Plan updates can be shortened by giving those line items a higher rating in the budgeting process.

POTENTIAL IMPACT OF CHANGES:

Operational Management Plans can be made dynamic by simply complying with the existing provisions of ER 1130-2-400. The document is supposed to be dynamic and responsive to changes in conditions. For the most part OMP's are dynamic and responsive to change. Where this is currently not the case, management will become more efficient and objective oriented when the OMP's are utilized as intended by existing regulations.

The more timely updating of Master Plans will increase the effectiveness of OMP's because they are supposed to be consistent with the content of Master Plans. The recent effort to create OMP's has clearly illustrated just how badly out-of-date many Master Plans have become. The end product of more timely Master Plan revisions will be the provision of facilities and services that better meet visitor desires.

PROPOSAL:

Initiate peer review process.

ASSUMPTIONS:

Peer in the context of this discussion refers to a panel of Project Managers from outside a particular Division. The panel would visit projects, make inspections and review management practices. The panel would then make recommendations and suggestions on new/better methods of operation and management efficiencies.

LAW, POLICY, REGULATION APPLICABLE:

There are no laws, policies or regulations that prohibit the establishment of such groups. Policy could be established by OCE, possibly as part of the USACE Inspection Policy, Draft EC 1-1-222.

CONSTRAINTS:

Due to the large number of projects, every project would only be visited, realistically, once every 10-20 years. Funding and manpower constraints would hamper full implementation of the program.

The panel's recommendations would have to be properly staffed before implementation.

RESOLUTIONS OF CONSTRAINTS:

Develop policy.

POTENTIAL IMPACT OF CHANGE:

Some managers may be receptive to constructive criticism while others may resent the intrusion.

PROPOSAL:

Allow on-site manager to determine where all of the project money goes; all overhead charges would be approved by him/her.
"Authority equal to the responsibility."

ASSUMPTIONS:

None

LAW, POLICY, REGULATION APPLICABLE:

OM 37-2-10, CH 6 - Financial Administration, COEMIS F&A
Subsystem (Overhead)

ER 37-2-10, CH 7 - Procedures for overhead/revolving fund
activity

AR 37-1

CONSTRAINTS:

AR 37-1 prohibits committing an operating budget (cannot lock
in a specified operating budget).

RESOLUTION OF CONSTRAINTS:

Regulations cited above would need to be revised,
particularly AR 37-1, to allow project managers to commit a
project operating budget (limit who can charge to it and how much
they can charge).

POTENTIAL IMPACT OF CHANGE:

Technical indirect offices, i.e., F&A, PAO, etc., would be
limited in what appropriations they could spend their overhead
over.

COMMENTS/NOTES:

None

PROPOSAL:

Swap out recreation areas with other agencies to facilitate maintenance and management efforts through clustering of areas of responsibility.

ASSUMPTIONS:

Exchange of areas would be done through the outgrant process or, if to the Forest Service or Park Service, through the interchange process.

LAW, POLICY, REGULATION APPLICABLE:

ER 405-1-12

16 USC 460d

(interchange authority)

ER 1130-2-400, Appendix D, Authority to continue operation of areas relinquished by others under certain circumstances.

CONSTRAINTS:

Corps policy is to close leased recreation areas turned back to the Corps. (ER 1130-2-400)

Policy is to only swap recreation areas which could be managed within existing resources.

RESOLUTIONS OF CONSTRAINTS:

Swaps or exchanges of recreation areas can be accomplished under existing regulations if certain exceptions to the park closure policy are met.

POTENTIAL IMPACT OF CHANGE:

Swaps of recreational areas can provide for a more efficient and feasible operation for both agencies.

PROPOSAL:

Lower the approval level requirements to the on-site manager.

ASSUMPTIONS:

Proposal refers to contracting, purchasing and outgrants. Environmental, cultural, and historical approval levels vary from district to district.

LAW, POLICY, REGULATIONS APPLICABLE:

Purchasing: EFARS (Engineer Federal Acquisition Regulation Supplement) dated 31 July 1989
AFARS (Army Federal Acquisition Reg. Supp)

Contracts: EFARS dated 31 July 1989

Outgrants: ER 405-1-12

CONSTRAINTS:

Purchasing: New EFARS removes open market purchase order authority for ordering officers (ordering officers are at each project).

ARARS 1.698 (Army Federal Acquisition Reg. Supp) allows ordering officers to purchase with impressed funds or charge accounts. There is a \$2500 maximum established by the regulation.

Service and construction contracts are limited by AFARS 1.698 to a maximum of \$2500 and \$2000 respectively.

Contracts: New EFARS, dated 31 July 1989, gives project managers authority as COR (Construction Officer Representative) to approve construction contract modifications up to \$100,000.

Outgrants: ER 405-1-12 designates Chief of Real Estate as contracting officer. The approval level for Master Plan review, environmental, cultural, and historical clearances may require district level review.

RESOLUTIONS OF CONSTRAINTS:

Revision of ERARS to reinstate open market purchase order authority and to increase purchase authority from impressed funds and charge accounts. Also require increase in service and construction contract limits established by AFARS 1.698.

Require change in ER 405-1-12 allowing Chief of Real Estate to delegate outgrant contracting authority to project managers, if the approval level for Master Plan review and environmental, cultural, and historical clearances has been delegated to the project.

POTENTIAL IMPACT OF CHANGE:

This could provide faster turn around, at less expense, if review by the district is totally eliminated.

PROPOSAL:

Re-organize for a more efficient operation.

ASSUMPTIONS:

The assumption is made that this item is in reference to a reorganization within the District, i.e., Real Estate, Operations, Planning or field offices.

LAW, POLICY, REGULATION APPLICABLE:

ER 10-1-3

CONSTRAINTS:

Authority for reorganization within a District is given in ER 10-1-3, however, the District Engineer is not authorized to change missions and internal stovepipes. Reorganizations of this type can be accomplished by the District Engineer or his designated representative.

RESOLUTIONS OF CONSTRAINTS:

This proposal requires further explanation of the scope of reorganization contemplated.

POTENTIAL IMPACT OF CHANGE:

Reorganizations can sometimes be costly. Need to look at benefits derived vs. cost of reorganization.

PROPOSAL:

Adopt a "one stop outgrants service" which authorizes project manager to issue licenses/permits.

ASSUMPTIONS:

It is assumed that this proposal is intended to combine the shoreline management permits with the outgrants for appertenant facilities, such as powerlines, steps, tramways, etc.

LAW, POLICY, REGULATION APPLICABLE:

ER 405-1-12
16 U.S.C. 460d
10 U.S.C. 2667
ER 1130-2-406

CONSTRAINTS:

ER 405-1-12 established Real Estate Division as the administrator for all outgrants. The Secretary of the Army has certain authorities, i.e., 10 U.S.C. 2667, 16 U.S.C. 460d etc. to outgrant property under his control.

ER 1130-2-406 sets out policy on shoreline management permits and sets out those activities which require a permit and which an outgrant.

RESOLUTIONS OF CONSTRAINTS:

The SecArmy has delegated some of his outgranting authority to Chiefs of Real Estate, District Commanders, Division Commanders etc. Certain delegations would have to be amended to provide for delegation down to project managers to enable them to operate under a "One stop outgrant service". Combination outgrant documents would need to be developed which would be used with no deviations. Training and oversight would have to be provided by Real Estate to project personnel. An alternative, used by some districts where the volume of outgrants justifies, is to assign a real estate person to the project to eliminate the district level review.

POTENTIAL IMPACT OF CHANGE:

Faster service to the public.

PROPOSAL:

Reduce the frequency of in-house inspections.

ASSUMPTIONS:

Inspections refers to utilization inspections and EO Utilization Surveys.

LAW, POLICY, REGULATION APPLICABLE:

The Federal Property Act of 1949, as amended
The Federal Property Management Regulations, 41 CFR
EO 12512
ER 405-1-12
McKinney Homeless Act and current Court order

CONSTRAINTS:

GSA implements the FPA in the FPMR (41 CFR 101-47.2 and 101-47.8) which requires annual surveys and reviews of all Federal real property. EO 12512, the latest in a series of real property management Executive Orders, requires periodic review of real property holdings. ER 405-1-12 implements these requirements through the annual utilization inspections program. GSA has established a 5 year turn around on EO surveys. The Army, and other Federal agencies, are currently under Court Order to report qualifying properties identified in these surveys for possible use by the homeless.

RESOLUTIONS OF CONSTRAINTS:

Reduction of the frequency would require an amendment of the GSA regulations which would be implemented by a change in ER 405-1-12. We are currently working with GSA on an amendment to the ER to clarify our survey/inspection program and to bring it into compliance with the FPMR and the Court Order.

POTENTIAL IMPACT OF CHANGE:

Some project with little change in use could be surveyed less frequently at a savings in personnel and resources. This could be offset by a failure to recognize trends and underutilization.

PROPOSAL:

Provide Test Sites for experimental recreation, i.e., demonstration projects.

ASSUMPTIONS:

LAW, POLICY, REGULATIONS APPLICABLE:

ER 405-1-12

ER 1130-2-400

CONSTRAINTS:

There is no specific law or regulation which prohibits demonstration projects.

Policy requires that out of the ordinary or unique development by a lessee be approved by a higher authority than the District; usually Division or OCE. Since there is no specific authority for this type of development, there are not guidelines detailing criteria, term, etc. Since demonstration projects usually are approved at a higher level, it usually takes quite a long time to get the approval.

RESOLUTIONS OF CONSTRAINTS:

Policy guidelines should be developed for uniformity among Districts. Delegation to the District level would decrease amount of time for approval.

POTENTIAL IMPACT OF CHANGE:

Demonstration project would allow Districts to test feasibility of unique, one of a kind developments without tying the Corps down to a long term contract.

PROPOSAL:

Provide more facilities wanted by the visiting public.

1. Monitor facility use levels and conduct visitor preference survey and eliminate unwanted facilities and services.
2. Review trend analysis and develop strategies.

ASSUMPTIONS:

None

LAW, POLICY, REGULATION APPLICABLE:

Policy letter dated 6 Jan 1984 from DAEN-CWP states that questionnaire items for collection of planning data must adhere to Office of Management and Budget guidance. Also requires Division Engineer approval of individual questionnaires. No other laws, policies or regulations are known which would prohibit implementation of proposal.

CONSTRAINTS:

OMB constraints on the collection of data from the public.

RESOLUTIONS FOR CONSTRAINTS:

POTENTIAL IMPACT OF CHANGE:

Would provide method to better determine what the public is really looking for in recreation facilities.

COMMENTS/NOTES:

None

PROPOSAL:

Expand the number of commercial activities allowed on Corps lands and waters, including stand alone vendors within park and camping areas, and charge appropriate fees for these activities.

ASSUMPTIONS:

This proposal refers to commercial activities such as guide and outfitters services, floating food vendors, concession stands for ice, magazines, and sundries, and vending machines for soft drinks, which are licensed in some districts as a minor concession and ignored by others.

LAW, POLICY, REGULATIONS APPLICABLE:

ER 405-1-12
ER 1130-2-400

General Administrative authority of the Secretary of the Army

CONSTRAINTS:

We currently do not have a national policy encouraging these small commercial activities, although the policies for licensing minor concessions could be applicable in some cases. Commercial activity within camping areas is not allowed, including vending machines and mobile vendor stands. Fishing and hunting guides operate on the lakes without any licensing.

RESOLUTIONS OF CONSTRAINTS:

Policy guidelines should be developed for uniformity among Districts. BLM (43 CFR 8370) and Park Service (36 CFR 5) have a guide and outfitters permit program which could be studied for modification to our needs. Most state and local jurisdictions require a business activity to have a permit or license to conduct the business, ususally with a flat fee.

POTENTIAL IMPACT OF CHANGE:

The public would be served with convenient access to various services and the Government would receive income from activities that, in many instances, are being conducted anyway.

PROPOSAL:

Institute adopt-a-park programs.

ASSUMPTIONS:

LAW, POLICY OR REGULATION APPLICABLE:

33 U.S.C 569c
33 U.S.C. 591
ER 1130-2-432
ER 1130-2-400

CONSTRAINTS:

33 U.S.C. 569c authorizes the Chief of Engineers to accept the services of volunteers and to provide for their incidental expenses to carry out authorized activities. ER 1130-2-432 provides policy and procedural guidance on accepting the services of volunteers.

Volunteers may not be used to carry out policy making or law or regulatory enforcement. 33 U.S.C. 569c. Volunteers may not handle Government funds nor operate government owned or leased vehicles. ER 1130-2-432, Subparagraphs 5 and 7. Reimbursement of volunteers' incidental expenses is authorized but is not to be routinely offered. ER 1130-2-432, subparagraph 9c.

33 U.S.C 591 authorizes the acceptance of land or materials. ER 1130-2-400 provides the guidance on acceptance of materials and personal property up to \$5,000. There is no authority to accept money, such as the Park Service (16 U.S.C. 4601-1).

RESOLUTION OF CONSTRAINTS:

A statutory change would be necessary to allow for the acceptance of money and to allow volunteers to carry out policy making or law or regulatory enforcement. A regulatory change would be required to allow volunteers to drive government owned or leased vehicles. A regulatory change would be required to make reimbursement of volunteers' incidental expenses mandatory or routine.

POTENTIAL IMPACT OF CHANGES:

If a statutory change allowed the acceptance of money, property, personal services or facilities, our ability to attract Corporate volunteers and other groups rather than just individual

efforts would be greatly expanded. A statutory change to allow volunteers to carry out inherent governmental functions, such as policy making or law or regulatory enforcement, would be detrimental to both the Corps and the public and would also impact other governmental agencies. This restriction is consistent with contracting out requirements under OMB Circular A-76. Volunteers do not have the training or experience necessary to make policy decisions which can be uniformly applied, and might not be covered by the exceptions to the Tort Claims Act. The enforcement of laws or regulations also requires extensive training and experience which volunteers would not have. A regulatory change to allow volunteers to drive government owned or leased vehicles would potentially make volunteers more useful. With regard to the payment of incidental expenses, a regulatory change to encourage payment would probably increase the expense of the volunteer program thereby reducing and O & M savings.

COMMENTS/NOTES:

The promotion of an adopt-a-shoreline/park program is already available to the Corps, vis a vis, its volunteer program. Although some reduction in costs may be realized through this type of program, there are associated costs in supervising the program. Also, the proposal would do little to enhance recreational opportunities.

SECTION 3

GENERAL DISCUSSION OF LAWS, REGULATIONS, AND POLICIES CONSTRAINING OR AFFECTING RECREATION DEVELOPMENT

LAW, POLICY OR REGULATION:

Section 4 of the Flood Control Act of 1944, as amended (16 U.S.C. 460d) which is the general leasing statute used by the Corps is authorizing recreational development at water resource projects.

CONSTRAINTS:

Authorizes the Corps or "local interests" to construct, operate and maintain public park and recreational facilities.

Authorizes leasing land and facilities thereon for such periods and upon such terms and for such purposes as the Secretary of the Army deems reasonable in the "public interest".

Leases to nonprofit organizations may be granted at reduced or nominal consideration.

Preference given to governmental entities in leasing lands and facilities. Leases may be without monetary consideration.

Revenue generated from the sale of timber or harvesting of crops on leased land must be used either in the development, conservation, maintenance and utilization of the leased lands or paid to the United States.

DISCUSSION:

The constraints most relevant to private sector development are the preference for governmental entities in leasing land and the requirement that the leasing of lands to private entities be for money only. Assuming a situation in which both a private entity and a governmental entity were interested in leasing the same area, 16 U.S.C. 460d requires the Secretary of the Army to lease the area to the governmental entity. A statutory change would be required to allow the private entity to be given equal or preferential consideration.

COMMENTS:

It seems unlikely that the preference requirement is a constraint since the private and governmental sectors aren't generally interested in development of the same areas. However, large scale development with a large profit potential will often attract a non-Federal governmental entity to come in and insist on being the go-between so that the money will go to it and not to the United States (the non-Federal governmental entity leases without monetary consideration). Campground operations might be one type of facility in which both sectors would be interested.

LAW, POLICY OR REGULATION:

ER 405-1-12, subparagraph 8-3c requires reasonable attempts be made to obtain competition through advertising prior to leasing real property. "Competition for use of public property is the general rule; waivers are the exception."

CONSTRAINTS:

Regulation limits the districts' ability to negotiate a lease with the private sector without competition.

DISCUSSION:

Competition is the general rule to obtain the best possible leasing arrangement for the United States and to dispel any question of preferential treatment to a person or entity. ASA(I,L &E) may waive competition in certain cases (i.e. "where it will be in the public interest or promote national defense to fore go competition; where competition is impracticable, e.g. where an adjoining owner has the only means of access to the land to be leased." ER 405-1-12, subparagraph 8-3d).

COMMENTS/NOTES:

The only apparent constraint on waivers of competition is a finding by ASA that the waiver is in the public interest, or promotes national defense, or that competition is impracticable. Waivers of competition are the exception rather than the rule and are only given when the facts of the case support that the Government is not compromised. It should be noted that competition is not required where the lease is to be issued to a state or local government agency or a nonprofit organization for public park and recreational purposes because 16 U.S.C. 460d authorizes the preferential leasing to these groups.

LAW, POLICY, OR REGULATION:

Non-Federal public agencies - When Army authorizes an activity it does not pass along our authority to do that activity. Can the Corps authorize what it lacks the authority to do?

CONSTRAINTS:

Federal, State and Local Laws

DISCUSSION:

a. The Corps is prohibited from doing an activity and the law which prohibits the activity does not limit the prohibition to the Corps, i.e. user fees, per legal opinion dated 15 July 1986 on fees charged at lease recreation areas.

b. The Corps is prohibited from doing an activity but the law specifically allows others to do it, i.e. entrance fees.

c. The project authority is silent on the activity.

d. Federal law generally allows the activity under state regulations, i.e. gambling and alcohol.

e. The Corps authority for an activity is different from the authority used to lease sites for recreational development, i.e. grazing.

If the Corps is prohibited by law from authorizing an activity then it would lack the authority to allow another party to engage in such activity. The Corps could not grant authority it does not have to another party. The lack of legal authority should be examined in any case to determine if the activity is one that is generally illegal or is one that is merely not provided for in the enabling legislation for the project or is specifically spelled out in a general statute, i.e. 16 U.S.C.460d, the Land and Water Conservation Fund Act of 1965. In the middle situation the Government could state its concurrence in the activity if it chooses to do so without having the specific authority to allow it or do it itself. In the former situation the Government would refrain from giving its concurrence.

Another constraint here would be if the party seeking authority to do an activity were prohibited by law, particularly state or local, from doing so. For example, in areas regulated by the state or local governments, such as sales of alcohol or gambling, the leasing authority or project legislation may not prohibit or deny the Corps the authority to allow such activities, but the state or local law would prevent these activities such that the Corps would not grant the right to someone who could not otherwise exercise it.

LAW, POLICY, OR REGULATION:

Outgrant vs. service contract - "GOCO"/2667 lease for industrial plants on military - Where is each appropriate/legal? FAR implications. Service Contract: Gov. pays contractor to operate gov. facilities; Lease: lessee pays gov. rent and builds facilities

CONSTRAINTS:

FAR 45.302-1
FAR 45.302-3
10 U.S.C. 2667
16 U.S.C. 460 d

DISCUSSION:

As a general rule, contractors must furnish on their own all property needed to perform a contract. FAR 45.302-1. There are, however, exceptions to this rule. One of the exceptions is where property is furnished by the Government for use in a government-owned, contractor-operated plant (GOCO) where a cost-plus-fee contract is used. For certain contracts facilities may be provided to a contractor under a contract other than a facilities contract. FAR 45.302-3. One type of such contracts is where the contract is for services and the facilities are to be used in connection with the operation of a Government-owned plant or installation. FAR 45.302-3. It appears that under these types of exceptions to the rule that contractors themselves must furnish the property needed to perform a contract the Government intends to have production of a product or performing of a service solely for government use or purposes. The Government intends to maintain control of the premises and the contractor's production or service is to be a part of the operation of the installation.

Under 10 U.S.C. 2667 the Government has authority to enter into leases of industrial facilities on Government-owned land for private manufacturing. The the purpose of the statute (P.L. 80-364) is to "broaden and make uniform" the authority of the "War and Navy Departments to lease government property." The legislative history indicates that the purpose of the leasing provision is to enable property not immediately needed to be leased in such a manner that it will be used with as few changes as possible in order that the property could immediately be put back into operation in the event of an emergency. Industrial plants which were financed by the Government at great expense were built for the manufacture of defense items such as ammunition and explosives. The intent of the legislation was to

have as many facilities as possible which are adaptable to peacetime uses be leased to responsible parties which can operate them without making such changes as to prevent them from being immediately used by the Government in an emergency situation. As part of the consideration for such leases the lease can provide for the lessee to be responsible for the maintenance, protection, repair or restoration of the property. The lease is to allow for revocability at any time or in a national emergency.

COMMENTS:

It appears that in leasing under Section 2667 the Government intends to allow a somewhat independent operation to take place. There may be a benefit being provided to the Government in keeping the facility maintained and repaired for future Governmental use and in keeping the manufactured product by the lessee, but the product or operation is not part of the overall operation of the installation nor is being manufactured solely for the Government under a cost-plus-fee basis contract. In contrast, as stated in FAR 45.302-3 (a) (3), a GOCO contract intends for the facilities to be used in connection with the operation of the installation. Under the GOCO situation, there does not appear to be the independence of the contractor which exists with the lessee under a 2667 lease.

The constraints and consideration to be made in each case is to look to the type of product and service which is needed and to determine if it is to be provided as an integral part of the operation of the installation or is it a product which will merely serve the needs of the installation. If so determined, then the GOCO contract would be appropriate. On the other hand, if the Government's intent is to allow use of a plant or facility in a more independent fashion, albeit in the public interest, and to have it maintained, repaired and protected, but it is not presently needed for public use and it is more beneficial to have another party using and maintaining it, then the 2667 lease would be appropriate. The control factor is important to consider in that the method to apply would seem to be based on the amount of control which the Government intends to have over the manufacturer/contractor in addition to the question of whether or not the nature of the production or service is an integral part of the installation operation. Also, it would seem that in a GOCO situation that the Government would have more control over the cost of overhead of the operation so that this would be known prior to entering into the contract. Under an out-lease, if the Government is purchasing a manufactured product then it would appear that it would not have the control over overhead costs and would absorb the same as part of the purchase price.

LAW, POLICY, OR REGULATION:

Federal Property Act (FPA) of 1949, as amended - restrictions on sale of Federal property: GSA policies, regulations and delegations concerning the sale of excess real property on Corps water resource projects to non-federal public agencies or private sector entities for the development/operation of recreational facilities.

AUTHORITIES which restrict the sale of federal properties:

FPA 1949: Administrator of General Services Administration (GSA) has disposal responsibility and delegation authority

41 CFR Ch 101-47.3 FPMR Surplus Real Property Disposal

40 U.S.C. 484 Disposal of Surplus Property

41 CFR Ch 101-47.6 Delegations

Delegation to the Dept. of Defense to dispose of excess real property less than \$1,000.00. Authority to redelegate.

ER 405-1-12 Chapter 11 - Disposal of excess property

CONSTRAINTS:

Submittal of reports of excess for real property valued over \$1,000.00 to GSA for disposal.

Environmental, Cultural and Homeless screening requirements

GSA required Screening through Federal Agencies 30 days

GSA required Screening through Eligible Public Agencies

DE's retain care and custody responsibility until final disposition, expenses for 12 months

Limited Negotiated Sales Authority (Recent amendment to FPA to allow GSA approval of negotiated sales up to \$100,000; not redelegated to agencies at this time; over that still require explanatory statement to Congressional committees)

Competitive bidding required on sales to private sector entities for property under \$1,000.00 unless waived

BRIEF DISCUSSION:

Normally, all fee owned lands determined to be excess either through Utilization Surveys and Executive Order Survey reports,

with Far Market Value (FMV) greater than \$1,000 are reported to GSA for disposition. After screening, property is advertised for sale to the general public and sold to the most advantageous bid above appraised value.

Properties under \$1,000.00 can be disposed of by the agency, normally screening can be waived through Federal and State Agencies if the DE indicates such screening would serve no useful purpose. Property must still be submitted to higher authority and screened for homeless requirement. Properties are then advertised for competitive bidding and sold at the most advantageous bid above the appraised value, unless negotiated sale is the only feasible option, i.e. to cure an encroachment.

Negotiated disposal is strictly controlled by Congressional oversight. Recent amendments to the FPA now allow GSA to review the disposals without going to the Congressional committees with an explanatory statement. This has not been redelegated except for \$15,000 on timber, crops, etc.

There is no authority to exchange real property for development, in lieu of cash.

COMMENTS:

Congressional legislation would be required to change the law(s) in order to accomodate the direct/negotiated sale of excess/non-excess Corps water resource real property to a non-federal public agency or private sector entities in exchange for development, operation and enhancement of opportunities for public recreation purposes. Further, the sale of real property to non-federal agencies or private sector entities could severely jeopardize the public's long term recreational opportunities due to the erosion of water resource land base, and should only involve property not needed for project operations.

LAW, POLICY, OR REGULATION:

Compliance inspections to enforce the Government standard(s) and legal constraints on the standards of Government oversight

CONSTRAINTS:

1. General Safety Requirements Manual, EM 385-1-1: Sanitation (water, toilets, washing facilities, food service, temporary sleeping quarters), lighting, poisonous and harmful substances, signs and warning signs, fire protection, gas equipment, noise control, electrical wiring, potable water.
2. Public Law 92-500 - Federal Water Pollution Control Act, as amended (86 STAT. 816) and ER 1130-2-407 - Operating and Testing Potable Water Systems.
3. National Environmental Policy Act of 1969 (NEPA) as amended (42 U.S.C. 4321 et seq).
4. ER 405-1-12, Chapter 8.

BRIEF DISCUSSION:

Responsible land management requires the landlord to perform compliance inspections of leased premises to insure that the lease terms are not being violated and that the use of the premises is in accordance with the agreement. The government agency, as landlord, has an even greater fiduciary duty on behalf of the United States and is obligated to conduct compliance inspections on leased recreational areas as required to insure compliance with the terms and conditions of the lease agreement and where necessary to take reasonable steps to enforce compliance.

In performing health and safety inspections, the compliance inspection often communicates specific/detailed violations based on an observation sampling of the total facility area. He reports these violations to the lessee when there are many unknown serious deficiencies unreported. When the lessee corrects only the violations reported, the government is assuming a duty or obligations of said lessee and this act places the government in a liable position. In this case discretionary authority should be exercised with care.

If local, county or State laws prohibit any type of activity within the area we cannot allow it on leased areas. If there are no local, county or State laws, we will control by federal laws; they are in effect carrying out federal laws on our behalf.

COMMENTS:

In order to limit legal constraints, the laws would have to be changed to reduce Government standards, especially where it comes to environmental and safety matters. An agency does not have discretionary authority to allow standards to be lowered without changing the law. In order to attract more outside business, we would have to get Congress to change laws to reduce our standards and this would not be desirable.

LAW, POLICY OR REGULATION:

ER 1130-2-400, subparagraph 18a. provides that "in order to preserve a wholesome family atmosphere in the public park and recreational areas of lake projects, the sale, storage or advertising of alcoholic beverages is not permitted."

CONSTRAINTS:

This regulation discourages major hotel/resort development which depend on continuity between different hotels in the same chain or affiliation and on alcohol sales as a large source of revenue.

DISCUSSION:

Although the regulation gives the appearance of discouraging private sector development, two exceptions are set out in subparagraph 18b. which allow the sale of alcoholic beverages in some circumstances.

The first exception allows the District Commander the option to authorize the sale of malt beverages and light wines in public park and recreation areas where it is the custom, as defined by state and local laws and regulations, to dispense such beverages in those type of areas. Even if authorized to sell malt beverages and light wines, the concessionaire is prohibited by this regulation from advertising outside the buildings in which they are authorized to be sold.

The second exception in subparagraph 18b. authorizes the Commander, USACE to approve the sale of whiskey or other hard liquors as long as the liquors are served incidental to major dining facilities such as park hotels, lodges, motel-dining facilities, and clubs. This exception includes a similar restriction prohibiting advertising outside the buildings in which the liquors are sold. The sale of hard liquors from a separate bar/lounge in a hotel, lodge, motel or club is not permitted under the traditional interpretation of this exception because the sale is not considered incidental to a major dining facility.

COMMENTS/NOTES:

This regulation/policy is consistent with the water safety program and the limited enforcement authority of Corps employees. If major hotel/resort development is to be encouraged, consideration will need to be given to allowing the sale of hard liquors in a bar/lounge which is separate from the dining facilities, although a dining facility is present. Any change in this policy would require a change in the regulation.

LAW, POLICY OR REGULATION:

Leases are granted for monetary consideration only, unless specifically authorized by law.

CONSTRAINTS:

Congress has jealously guarded its prerogative to appropriate money and has sought to guard against encroachment by the executive departments. To ensure that the executive shall remain wholly dependent upon appropriations it is required (with limited and very specific exceptions) that the gross amount of all money received from whatever source for the United States be deposited into the Treasury. As additional safeguards against unauthorized executive activities, the acceptance of voluntary services is generally prohibited and the use of Government property by outside parties shall be for money only, and that any provision for alteration, repair, or improvement as part of the consideration is prohibited unless specifically authorized otherwise by law. (See Section 321 of the Economy Act of June 30, 1962, 47 Stat. 412 (40 U.S.C. 303(b)). Lease receipts deposited into the Treasury are shared with the States (75%).

If the recreational leases were issued under the authority of 10 U.S.C. 2667, the rental could only be offset for operation, maintenance, repair and restoration of improvements actually leased from the Government. A statutory change in 16 U.S.C. 460d (similar to that found in 10 U.S.C. 2667) would be required to authorize the use of rental offsets or acceptance of services in lieu of monetary consideration.

The general language of the leasing authority of 16 U.S.C. 460d, used for recreational development at water resource projects, allows leases on such terms as the Secretary of the Army deems reasonable in the public interest, this authority is interpreted to be restricted by the specific limitations of 40 U.S.C. 303b, which prohibits any offset of money rental for repair or improvement of property which is leased.

COMMENTS/NOTES:

The inability to accept other than monetary consideration for leasing lands to private entities appears to be more of a constraint. It is possible that 10 U.S.C. 2667 could be used as authority for leasing areas for recreation purposes, however that statute has other constraints not included in 16 U.S.C. 460d (See separate analysis).

The rest of the constraints in 16 U.S.C. 460d appear to be

minimal. The Secretary of the Army has broad discretion in using this authority to lease property. The only prerequisite is that the lease be in the public interest.

COMMENTS/NOTES:

The inability to accept other than monetary consideration for leasing lands to private entities appears to be more of a constraint. It is possible that 10 U.S.C. 2667 could be used as authority for leasing areas for recreation purposes, however that statute has other constraints not included in 16 U.S.C. 460d (See separate analysis).

The rest of the constraints in 16 U.S.C. 460d appear to be minimal. The Secretary of the Army has broad discretion in using this authority to lease property. The only prerequisite is that the lease be in the public interest.

LAW, POLICY OR REGULATION:

10 U.S.C. 2667(b)(4) authorizes the use of rental offsets as consideration for leasing property under the control of the Secretary of a military department.

CONSTRAINTS:

Leases must either be in the public interest or promote national defense.

Lease term limited to five years unless Secretary makes finding that an additional term is in the public interest or promotes national defense.

Lease revocable at will unless omission of such a provision would promote the national defense or be in the public interest.

Lease may provide for the maintenance, protection, repair, or restoration, by the lessee, of the leased property as part or all of the lease consideration. Consideration must be fair market value; there is no general authority for nominal rent.

Money rentals must be deposited in the United States Treasury.

DISCUSSION:

10 U.S.C. 2667 is the general leasing authority used by the Corps for military properties and agricultural lands at both military and civil works projects. It is also the leasing authority for existing Federally constructed facilities, such as military industrial facilities or general use of river and harbour property. This leasing authority will only be attractive to private entities, since non-Federal governmental entities can lease property for no monetary consideration and non-profit groups for nominal consideration under 16 U.S.C. 460d. Although there is no apparent prohibition against using this statute for park and recreational leases on civil works projects, 16 U.S.C. 460d has been used traditionally because of the greater discretion given the Secretary in issuing a lease for recreation purposes. Normally leases issued pursuant to 10 U.S.C. 2667 are revocable at will and limited to five years, however, the Secretary does have the authority to modify these requirements if it promotes the national defense or is in the public interest. The ability to offer rental offsets under this statute is attractive for areas that the private sector might be interested in managing were it not for the maintenance costs associated with the area. This does not authorize offsets for capital improvement costs.

LAW, POLICY OR REGULATION:

SHORELINE MANAGEMENT

CONSTRAINTS:

1. ER 1130-2-406 provides primary guidance regarding the management of project shorelines at Corps of Engineers operated and maintained Water Resource Development Projects. The following references provide additional guidance or were the basis upon which ER 1130-2-406 was developed:

- a. Section 4, 1944 Flood Control Act, as amended (16 U.S.C. 460d).
- b. The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. 1).
- c. Section 10, River and Harbor Act of 1899 (33 U.S.C. 403).
- d. National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 U.S.C. 470 et seq.).
- e. The National Environmental Policy Act 1969 (42 U.S.C. 4321, et seq.).
- f. The Clean Water Act (33 U.S.C. 1344, et seq.).
- g. The Water Resources Development Act of 1986 (P.L. 99-662).
- h. Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."
- i. Executive Order 12088 (13 October 1978).
- j. 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers."
- k. ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects."
- l. EM 385-1-1, "Safety and Health Requirements Manual."
- m. Public Law 97-140, Section 6 (U.S.C. 460d).

2. Background.

Since the Rivers and Harbors Act of 1894 (33 U.S.C. 1) and the River and Harbor Act of 1899 (33 U.S.C. 403) the Corps has controlled structures placed into waters under its jurisdiction. This control has been extended to include waters deemed non-navigable but under the management of the Corps.

Section 4 of the Flood Control Act of 1944, as amended, authorized the War Department to provide for the recreational use of reservoirs under its control. Circular No. 3179 dated 26 February 1945 set out the first guidance on the new recreation mission. Because of the war, emphasis was to be placed on development and maintenance by state or local governments. Revocable leases for one year were authorized to individuals desiring to occupy sites for their personal use in order to use the reservoirs to the fullest extent practicable immediately. Circular Letter 4231 dated 26 September 1946, provided instructions outlining the various policies and procedures for administering the projects to obtain the maximum benefits to the public. The types of recreational facilities and improvements which might be provided were public campgrounds, picnic areas, boat-launching and docking facilities, organized camp areas, overnight and vacation accommodations, and cottage sites.

Prior to relocation benefits, the Government allowed existing residential use to remain when property was acquired to mitigate the impact of the project. Some of the cottage site and residential leases were a result of this period. On 6 August 1956, P.L. 84-999 provided the Secretary of the Army authority to sell lands available for cottage site development. Since 1956, over 3,600 cottages sites have been sold or phased out.

During this same period a number of private club sites and quasi-public group sites such as churches and scouts were established through leases to more fully utilize public lands (Old Priority 2, 3, and 4 lands).

Adjacent landowners were also granted licenses to install docks and appurtenant facilities to further foster the idea of project utilization. Dock permits were, in some cases, even granted to members of the general public at locations near the public road ends. During the 1950's public recreation facilities were almost non-existent except for State facilities, many of which had been constructed by the Civilian Conservation Corps during the Great Depression. The general wisdom at that time was that Water Resource Development Projects were rural, remote sites that would never be utilized.

By the mid-1960's significant social and economic changes began to occur within the United States. Federal policy began to change to account for the massive changes that were beginning to take place. Many of the prior private uses began to conflict with

national policies prohibiting structures for human habitation being located in lands subject to flooding in the interest of protecting human life and property. Increased public interest in, and demand for, outdoor recreation along with the passage of legislation such as the Fish and Wildlife Coordination Act of 1958, the Forest Conservation Act of 1960, and the Federal Water Project Recreation Act of 1965, resulted in an assessment of the entire concept of private exclusive use on public land. Private use was considered contrary to the concept of maximum overall use for general public purposes.

In 1965, the Army made the decision to phase the Corps out of the cottage program and revised the guidance for the sale of cottage sites that were leased. The Department of Interior and the U.S. Fish and Wildlife Service also issued new guidance curtailing cabin site development during this same time frame.

The rapidly increasing use of project lands for recreation purposes along with the conditions discussed above led to the decision that the use of project lands for private purposes such as floating structures, boat houses, walkways, etc., would have to be controlled and managed in a more orderly manner. Until this time no uniform policy had existed. It was recognized that such development had to be controlled in order to preserve the aesthetics of projects. In 1974 ER 1130-2-406 was promulgated to manage the lakeshore resource at Water Resource Development Projects. It became the policy of the Corps to manage the private exclusive use of public property to the degree necessary to gain maximum benefits to the public. Private exclusive use would not be permitted on new lakes or on lakes where no private facilities or uses existed as of the date of the regulation. Such use was permitted only to honor past commitments that had been made. A Lakeshore (Shoreline) Management Plan was to be prepared for each Corps lake project where private recreation facilities existed in 1974.

Under the guidance of ER 1130-2-406 the shorelines of projects where a Shoreline Management was required, were zoned for appropriate public and private use. A permit form and review procedure were developed to administer the program. A fee structure was developed to help defray the costs of administering the program. However, because of political and other considerations, the fee structure is inadequate and does not begin to defray the administrative costs of the program. Additionally, permit fees do not reflect the market value of the privilege gained by adjacent landowners through the issuance of lakeshore permits.

With the final deadline for the phase-out of cabin leases approaching in 1988, Public Law 97-140 was enacted on December 29, 1981. This law precluded further phase out by directing the Chief of Engineers to continue certain existing facilities through

December 1989. This law made no provision for termination and removal, other than for threat to life or property.

In 1986 additional Congressional action was taken regarding the treatment of both cabin leases and private floating structures. P.L. 99-662, Section 1134, subsection (a) - (c) indicated that cottage site leases issued under 16 U.S.C. 460d or assignments in effect on 31 December 1989 shall be continued indefinitely until (1) such time as the leaseholder, or any successor or assignee, terminates the lease, or (2) the Secretary terminates the lease because the property is needed for immediate use for public park purposes or other higher public use or for navigation or flood control project; or if the leaseholder substantially violates a provision of the lease. The legislation did specify, however, that any continuation of the lease beyond 31 December 1989 would be at fair market value and on such other reasonable terms and conditions not inconsistent with the law. Continuation cannot be made unless the leaseholder holds the United States harmless from any claims for damages or injury to persons or property arising from occupancy and agrees to not unreasonably expand existing improvements. No change was made in the lease form to provide for year-around residential use. The ASA has stated, however, that leases will not be terminated if the lease were violated by the site being used as a full-time residence. Only cottage site leases entered into by the Secretary of the Army under 16 U.S.C. 460d are continued and P.L. 99-662 is not an authorization to make additional sites available. Any termination for immediate use for public park purposes or other higher public use or for navigation or flood control project will be submitted to CERE-MC for approval.

Public Law 99-662, Section 1134, Subsection (d) addressed the removal of houseboats, boat houses, floating cabins, sleeping facilities, or lawfully installed docks or appurtenant structures. After September 31, 1989, the structures just mentioned shall not be required to be removed if located on project lands on the date of this act providing (1) such property is maintained in usable and safe condition, (2) such property does not occasion a threat to life or property, and (3) the holder of the lease, permit, or license is in substantial compliance with the existing lease or license, except when necessary for immediate public purposes or other higher public use for a navigation or flood control project.

3. Historical and Policy Implication of Present Trends and Initiative.

Lands have been acquired by the Federal Government for park and recreation, wildlife, and forest management purposes since the early 20th century when Theodore Roosevelt was instrumental in creating the national forest system. For a period of nearly three decades the Corps and the Department of the Army have pursued a policy of increasing involvement into the field of public outdoor

recreation. It was not until the 1960's that the Corps of Engineers began development at Water Resource Development Projects for outdoor recreation purposes on a large scale. As the use of public recreation facilities increased, the demand for such facilities placed an increasing demand upon public lands. That increased demand began to conflict with the private exclusive use of public property which had been previously encouraged. A policy evolved within the Executive and Legislative Branches of the Federal government which implicitly recognized the societal benefits accruing from public recreation. It was subsequently determined that the public use of public lands acquired with general tax revenues should take precedence over exclusive private use where the land resource is a scarce commodity. Recent Congressional action through P.L. 97-140 and P.L. 99-662, Section 1134, appears to be a rollback or reversal of a very basic historic public land management policy that has developed over the first 80 years of the 20th century. The concerns of highly organized, clearly identifiable constituencies such as landowner associations seem to be receiving more consideration than the "general" public. It is conceivable that we may be re-entering an era similar to the 1950's where private recreation and private exclusive use take precedence over public recreation and publicly provided recreation facilities and the concept of maximum overall use for general public purposes will be abandoned. The practical impact of the various legislative mandates that have been engineered by specific, numerically small constituencies (such as P.L. 97- 140) has been that it is increasingly difficult to implement a uniform shoreline management policy throughout the Corps system. It can be anticipated that land management policy will become increasingly fragmented and more project specific should private development be carried to the degree specified in a number of the "straw man" proposals evaluated by this task force.

LAW, POLICY OR REGULATIONS:

HANDICAPPED REGULATIONS

CONSTRAINTS:

1. Guidelines in Section 1-9 of EM 1110-1-400, 31 July 1987 address the design of facilities for the physically handicapped visitor. All design shall provide for equal access to and utilization of facilities by all visitors. Standards for the design of handicapped facilities are presented in Uniform Federal Accessibility Standards (49 FR 31528). The standards are to be applied during the design, construction, and alteration of buildings and facilities. There are certain, situations, however, where the provisions need not be provided:

a. Certain overlooks such as observation towers or decks that are only accessible by steep trails or a series of stairways.

b. All comfort stations within a common recreational site need not be accessible. If site conditions exist that would make it cost prohibitive, provide at least one accessible station in the most convenient location within the area.

c. All boat ramps and courtesy docks need not be accessible if prohibitive by site conditions. If multiple ramps and docks are to be provided within a recreational area, at least one should be accessible.

d. Not all camp sites within a campground need be accessible, provided an appropriate number of accessible sites are included.

e. All primitive camping areas need not be accessible.

f. All hiking, walking, and nature trails need not be accessible.

2. Non-Federal interests must use the design criteria contained within EM 1110-2-400 unless where local standards are more stringent than Corps standards.

3. The impact of design standards for the handicapped would appear to be neutral regarding the subject proposal because they apply equally to all recreation facilities constructed upon fee owned property of the United States administered by the Corps of Engineers.

LAW, POLICY, OR REGULATION:

Davis-Bacon Act applicability

CONSTRAINTS:

The recent cases involving military leases appear to be eroding the concept that the Act does not apply to out-leases. This issue is under review by the Corps and the Army.

LAW, POLICY OR REGULATION:

Forest Service challenge grants: can we do this under current authority?

CONSTRAINTS:

The Forest Service receives these grants under special authority contained in the 1989 Appropriation Bill which states that notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308) the Forest Service could enter into cooperative arrangements for recreation and fish and wildlife programs. This continued for recreation a long standing authorization of receiving money for cooperative work in forest investigation, protection and improvement under 16 U.S.C. 498 (38 Stat. 430 (1914)).

The Corps has no such authority to receive money.

DISCUSSION:

Legislation is required to expand our authority to include not only personal volunteer services, but also money, personal property, or facilities.

A similar authority would greatly expand our recreational potential interested.

LAW, POLICY OR REGULATION:

Historic Preservation laws:

Antiquities Act of 1906/Archeological Resources Protection Act of 1979

Historic Sites Act of 1935

Reservoir Salvage Act of 1960/Archeological and Historic Preservation Act of 1974

National Historic Preservation Act of 1966, as amended, PL 89-665 (16 U.S.C. 470)

CONSTRAINTS/DISCUSSION:

The Antiquities Act of 1906/Archeological Resources Protection Act of 1979 provides civil and criminal penalties for the unauthorized disturbance or destruction of archeological and historic resources on Federal and Tribal lands and provides the Federal and Tribal land manager with the authority to withhold site location or other information from the general public if the land manager believes the release of such information would result in damage or destruction of a resource.

The Historic Sites Act of 1935 declares a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people.

The Reservoir Salvage Act of 1960/Archeological and Historic Preservation Act of 1974 is not a restriction of recreation.

The National Historic Preservation Act of 1966 declares the heads of all Federal agencies shall assume responsibility for the preservation of historic properties and that prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent possible, historic properties. Structures with historic significance are to be adapted for re-use as staff residences, visitor centers, working farms or historic re-enactments.

The National Historic Preservation Act of 1966, as amended, constrains the sale or lease of lands and facilities to non-Federal interests. The head of any Federal agency having jurisdiction over a proposed Federal or federally assisted undertaking shall prior to the expenditure of any Federal funds or prior to the issuance of any license take into account the effect of the undertaking on the property that is included or eligible

for inclusion in the National Register. Each Federal agency is also required to locate, inventory, and nominate all properties that appear to qualify for inclusion in the National Register and shall assure that any such property is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly. Since Army has not completed these inventories due to budget constraints, actions are cleared on a case-by-case basis.

LAW, POLICY OR REGULATION:

National Environmental Policy Act (NEPA), PL 91-190, as amended. CEQ Regulations, 40 CFR 1500-1508.

ER 200-2-2

CONSTRAINTS:

Proposals which may significantly affect the quality of the human environment must comply with NEPA and the regulations.

RESOLUTION OF CONSTRAINTS:

Prepare NEPA documentation if change and impacts are not covered by existing environmental documentation for the project. Impacts must be assessed. As a minimum, an environmental assessment (EA) and finding of no significant impact (FONSI) are required. An EIS or supplemental EIS may be required.

LAW, POLICY OR REGULATION:

Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661-666c) (FWCA)

Endangered Species Act (16 U.S.C. 470 et seq) (ESA)

Sykes Act (not applicable to Civil projects)

CONSTRAINTS:

Section 662(d) of FWCA provides that project cost attributable to development and improvement of wildlife shall not include the operation of wildlife facilities. This covers enhancement facilities, but not mitigation facilities. Section 663(c) FWCA provides that properties for development of fish and wildlife must be specifically authorized by Congress. Section 663(d) FWCA provides for use of project lands and waters by State wildlife agencies or the Secretary of Interior to manage wildlife and wildlife habitat. Many project areas are so licensed and used for this purpose which permits an increase of the fish and wildlife base for recreational purposes. Section 663(d) FWCA provides that lands acquired for fish and wildlife conservation and development shall continue to be used for such purposes.

Proposed actions which would impact on Federal endangered species should comply with the ESA.

LAW, POLICY AND REGULATION:

CERCLA/SARA

Wild and Scenic Rivers designation

CONSTRAINTS:

These laws are not expected to restrain recreational purposes for civil works projects since there are few, if any, such projects where they apply.

TAB

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

VOLUME II: APPENDIX D

**Information Collection Task Force #3
Revenue and Resource Augmentation**

**U.S. Army Corps of Engineers Recreation Study
Review of Resource Augmentation Programs**

Executive Summary

Task Force 3 considered a variety of resource augmentation proposals and developed a thorough list of options for the Recreation Study Team to review. The options were categorized in four groups:

- a. Revenues;
- b. Recreation Enhancements;
- c. Alternative Management Techniques; and
- d. Marketing.

An assessment of the potential monetary impact of each option was provided as a range -- low (less than \$1 million) to high (greater than \$5 million).

Three key factors or assumptions were made by the Task Force and are important for the Study Team to consider as they review the report. First, all revenues (new proposals or current sources) need to be directed back to the Corps after their collection. Second, an assessment of the social and environmental impacts of some options may have to be made prior to their implementation. This may either delay or substantially affect the cost of the option. Last, while many of the options serve to improve the visitor's experience or enhance an on-site manager's capabilities, a few options run counter to established philosophy and methods of operation. These need to be weighed carefully in order to assess their net effect on the future of the Corps recreation mission.

Thirty-five options are listed in the "Revenues" section, with the majority being classified as user fees. The Task Force felt strongly that specialized facility fees (similar to the Corps proposed user fee legislation which narrowly missed enactment last year) and increasing outgrant rental and fees provide the best potential for high returns. They also conform to the user pay philosophy.

Fifteen options comprise the "Recreation Enhancements" section, which offer expanded recreation opportunities with no, or minimal, impact on the Corps Oding requirements. Challenge grants, donations, and modifications to cost sharing and concessionaire policies are viable considerations with good opportunities for success.

The "Alternative Management Techniques" section lists 23 options that allow prudent diversion of existing Corps resources to other high priority uses or tasks.

Five "Marketing" strategies recommend longer term solutions which complement the Recreation Study objectives.

**U.S. Army Corps of Engineers Recreation Study
Review of Resource Augmentation Programs**

Task Force Members:

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Purpose: The task force was convened to identify potential opportunities for (1) expanding revenue generation and for (2) otherwise augmenting the Corps recreation program. The group listed its own potential resource augmentation options, studied Task Force #1 strawman proposals, and from those two lists, selected the options to be presented in this task force report.

Definitions: The options presented in this report are divided into the following categories:

1. Revenues: Sources of additional revenue.
2. Recreation Enhancements: Options that expand recreation opportunities without full Corps funding. Revenue may be generated.
3. Alternative Management Techniques: Options which would reduce costs without deferring maintenance, allowing for more efficient use of existing funds.
4. Marketing: Strategies to (1) promote Corps recreation areas as sound investments to potential sponsors and (2) increase use of existing areas to both generate additional revenue and make areas more marketable to sponsors.

Return of Revenues: The task force developed these options on the assumption that, upon implementation, all revenue generated would be returned directly to the Corps (similar to the Special Recreation User Fee program). Similarly, income currently generated should be retained by the agency, such as lease, license, easement and permit revenue. In many cases, legislation will be required to return these funds from their current recipient to the Corps.

Impacts of Implementation: Implementation of many of the options may result in substantial changes in operating procedures and may require preparation of an Environmental Impact Statement or Environmental Assessment. Depending upon the scope of the change, these documents may have a significant impact on the cost of implementation of the options and may delay realization of savings, enhancements, or revenues.

Monetary/Resource Impacts: Estimated potential resource augmentation impacts are provided under the benefits column for each option. Taking into consideration the yearly outlay of approximately \$160 million dollars for recreation, the following criteria was used for estimating the yearly impact implementation of the particular option would have on the Corps resources.

Low: Less than \$1 million.

Moderate: Between \$1 million and \$5 million.

High: More than \$5 million.

Quality of the Experience: Many of the options discussed here maintain or enhance the quality of the experience and the environment. However, a few may impact adversely on commonly accepted aesthetic, environmental and social values. Maintaining these values has long been considered an inherent function of Government and this precept has guided our management philosophy for many years. For the purposes of this report however, we make no judgments concerning the relative merits of these impacts.

| Index of Revenues Options | Index of Alternative Mgt Technique Options | Index of Recreation Enhancement Options |
|--|--|---|
| <ol style="list-style-type: none"> 1. User Fees: <ol style="list-style-type: none"> (a) Specialized Facility Fees (b) Charge for Day-Camping (c) Charge Discount on Golden Age and Golden Access Permits (d) Sell Golden Age and Golden Access Permits (e) Campground Guest Fees (f) Corps Reservation System (g) Eliminate Free Camp Area Requirements (h) Campground Stay Restrictions (i) Expand Use of Variable Rate Fees (j) Equipment Rental (k) Water Surface Area Reservations (l) Meeting Room and Visitor Center Rental (m) Charge for Corps Maintained Trail Use (n) Visitor Center Entrance Fees (o) Consultation and Service Fees (p) Charge for Guaranteed Water Releases for Whitewater Sports 2. Outgrants/Permits: <ol style="list-style-type: none"> (a) Increase Outgrant Rent (b) Charge Appropriate Rent/Administration Fee (c) Increase Permit Fees (d) Off-Peak Park Rental (e) Hunting Area Leases or Lotteries 3. Sales: <ol style="list-style-type: none"> (a). Revenues from the Sale of Renewable and Non-Renewable Resources (b) Vending Machines (c) Recycling Programs (d) Sale and Donations of Artifacts (e) Sale of Abandoned, Surplus & Impounded Items. (f) Project Related Information and Merchandise 4. Advertising on Project Brochures. 5. Upgrade Existing Parks for Upscale Use 6. Improved Open Areas 7. Community Dock Space 8. Concession/Vendor Permits 9. Bottle and Can Deposits 10. Hydropower/Water Supply/Storage Charges 11. Recreation Craft Locking Fees | <ol style="list-style-type: none"> 1. Reward Efficiency 2. Power-Down Management 3. Volunteers <ol style="list-style-type: none"> (a) Student Conservation Association (SCA) (b) Volunteer Campground Hosts and Maintenance Hosts (c) Expand Use of Volunteers and College and University Interns (d) Adopt-A-Shoreline/Park/Trail 4. Senior Conservation Corps 5. Jobs Bill 6. Contract Reviews 7. Mowing Contract Review 8. Quarters for Hostels 9. Complete or Update Project Environmental Impact Statements 10. Designs <ol style="list-style-type: none"> (a) Design Standards (b) Operations Review of Designs 11. Consolidation of Facilities, Parks and Projects 12. Redefine District Boundaries 13. Operate Parks for Peak Use 14. Agency Exchanges 15. Analyze Market Trends 16. Automate Collection of All Fees 17. Expand Credit Card Use 18. Increase Military Involvement 19. Expand Model District Program | <ol style="list-style-type: none"> 1. Challenge Grants 2. Donations 3. Gift Catalog 4. Cost Sharing <ol style="list-style-type: none"> (a) Infrastructure Development (b) Non-Traditional Facilities (c) Modified Cost Sharing (d) Rescind Requirement for ASA (CW) Approval for Cost-Sharing Agreements Under \$25,000. 5. American Heritage Trust Fund 6. Concessionaires <ol style="list-style-type: none"> (a) Defer or Abate Concessionaire Rent (b) Low Interest Loans (c) Tax Incentives (d) Limit Concessionaire Liability (e) Relax Limitations on Concessioner Provided Facilities 7. Longterm Leases for Residential Development 8. Cooperating Associations <ol style="list-style-type: none"> 1. Develop Comprehensive Marketing Strategy and Project Prospectus. 2. Advertise Recreation Areas: 3. Coordinate with State Tourism Officials and Encourage Involvement in Local Chamber of Commerce Organizations. 4. Offer Prime Locations for Partnership Development. 5. Regional/National Coordination |

Revenues

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|--|--|---|
| 1. User Fees: Options for receiving or increasing compensation from visitors for facilities, areas and/or services used: | | |
| (a) Specialized Facility Fees: Charge fees for use of developed recreation facilities (i.e., ramps, beaches, picnic areas). This is not an entrance fee, per se, to be collected at all recreation areas or access sites. | <ul style="list-style-type: none"> * Fees for facility use would maximize revenue potential of existing areas. * Users would take on more of the financial responsibility for facilities used. * Fees give managers an additional tool for controlling use of parks. <p>Impact: High.</p> | <ul style="list-style-type: none"> * Congressional opposition to expanding the fee program. * Public objection to new fees. * Corps liability increases in states with "Good Samaritan Law" protection for no cost recreation. |
| (b) Charge for Day-Camping: When developed sites are available in controlled area, rent sites for "day camping". | <ul style="list-style-type: none"> * Day use visitors are offered the privacy of a regulated site. * Revenue is gained from campsites that otherwise would be empty. <p>Impact: High.</p> | <ul style="list-style-type: none"> * Existing law allows charges for "developed sites". Day-camping may only be an extension of existing law. |
| (c) Change Discount on Golden Age and Golden Access Permits: Lower 50% discount to a more reasonable 10% or 20% discount. | <ul style="list-style-type: none"> * Discount comparable to those offered in the private sector would increase revenues significantly. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Coordination and concurrence with other agencies would be required and Land and Water Conservation Fund Act would have to be amended. * Public outcry would be expected, especially from senior citizens and AARP. |
| (d) Sell Golden Age and Golden Access Permits: The Corps issues approximately 35,000 of these permits each year. | <ul style="list-style-type: none"> * Costs for running the program are passed on to the user. * Either annual or one-time purchase would increase revenues. <p>Impact: Low.</p> | Same as (c) above. |

| Options | Benefits | Constraints |
|---|--|---|
| (e) Campground Guest Fees: Nationwide implementation of fee policy for guests visiting campground users. | <ul style="list-style-type: none"> * Recoup costs associated with use of campgrounds by guests. * Better security and control of the campground. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * No significant constraints. |
| (f) Corps Reservation System: Contract for the implementation of a campground reservation system with outlets at campgrounds and other locations. Standard procedures would be implemented for districts who opt to use a reservation system so that systems are compatible. | <ul style="list-style-type: none"> * Increased use/revenues could be expected and premium fee could be charged to include reservation system contract costs. * User satisfaction increased by being assured of a site in advance. * Campground promotion efforts could be pooled for increased exposure. * Data would be easily retrievable (visitation, revenue, user types, zip codes, equipment, etc.). <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Set-up costs. * User acceptance of increased costs and conflicts with first-come/first-serve visitors. * Costs for promoting Corps campgrounds. |
| (g) Eliminate Free Camp Area Requirements | <ul style="list-style-type: none"> * Some of the O&M costs, now absorbed completely, can be recouped. * Primitive camping areas could be upgraded to increase revenue. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * A change in legislation would be required. * Initial capital outlay to upgrade primitive campgrounds to maximize collections may be needed. |
| (h) Campground Stay Restrictions: Liberalize campground stay restrictions, while retaining ability to control camper use. | <ul style="list-style-type: none"> * Attract visitors who otherwise would go to private areas with no restrictions. * Increase revenue from long term use of sites. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Increased site impact. * Requires change in Title 36. * Could encourage non-recreation use of campgrounds, especially in high-cost areas. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|--|--|--|
| <p>(i) Expand Use of Variable Rate Fees:</p> <ul style="list-style-type: none"> (1) Charge more for preferred campsites, popular parks and busy times. (2) Offer discounts to long-term users, groups or corporate sponsors. (3) Offer free or discounted camping and preferred sites to individuals who sponsor maintenance of a camp area. | <ul style="list-style-type: none"> * Takes advantage of demand to generate more revenue. * Fee rates can be used to help manage carrying capacity and site impact. * Encourages more balanced use of projects, parks and facilities. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Public may not accept higher fees. * Variable rates complicate fee collection and may not be understood by the general public. |
| <p>(j) Equipment Rental: Rent equipment to visitors (i.e., trailers, tents, volleyball equipment).</p> | <ul style="list-style-type: none"> * Visitors lacking equipment would be attracted to parks. * Mechanism for collecting fees and storing equipment is already in place. * Provide service that may not be economical for the private sector to provide. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Small outlays for initial equipment purchase and for upkeep. * Renting equipment complicates property accountability. * Liability may be increased. |
| <p>(k) Water Surface Area Reservations: Allow exclusive use of all or a portion of water surface for a specific period of time for a fee.</p> | <ul style="list-style-type: none"> * Water surface of our projects is a valuable commodity, particularly in urban areas. This would take advantage of this high demand resource. * Special events would give Corps lakes regional and national exposure and would increase lake use by attracting specialized groups. * Events would boost local economy. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * User conflicts between general public and those reserving the area. * Costs for control and administration of events. * Possible capital improvement costs for shoreline support facilities. * Policy change for allowable uses and/or 16 USC 460d. |
| <p>(l) Meeting Room and Visitor Center Rental: Rent out meeting rooms, auditoriums, visitor centers, etc. for community group use.</p> | <ul style="list-style-type: none"> * Makes maximum use of facilities (weekends and evenings). * Involvement with the local community enhances Corps image. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Maintenance, administration and security responsibilities increase (but would be paid by rent). * Requires policy guidance. |

| Options | Benefits | Constraints |
|---|--|--|
| (m) Charge for Corps Maintained Trail Use: Require permits for ORV's, snowmobiles, horseback riding, etc. | * Managers have more control over trail use. Impact: Low. | * Responsibilities for maintaining trails to meet specialized uses increase along with liability. * Management is complicated by fee collection and enforcement of permit requirements. |
| (n) Visitor Center Entrance Fees: Charge fees for visits to major visitor centers. | * Revenue would help to offset upkeep and new exhibits. Impact: Low. | * Requires legislation. * Some visitors would be discouraged from visiting, resulting in less interpretation. |
| (o) Consultation and Service Fees: Charge fees for expertise and services (i.e., removing boats by crane, designing camping grounds, trip itinerary planning, adjacent landowner forestry advice and services). | * Increases Corps visibility and community involvement while providing money for O&M. * Improves design of concessionaire facilities. * Improve local area forestry and wildlife conditions. Impact: Low. | * Policy and mechanism for charging and accepting fees would need to be established. * Increased liability potential. |
| (p) Charge for Guaranteed Water Releases for Whitewater Sports. | * Recoup expenses now absorbed. Impact: Low. | * Legislation may be required. * Costs may be prohibitive to nonprofit organizations such as the Appalachian Mountain Club, and would result in political repercussions. |
| 2. Outgrants/Permits: | | |
| (a) Increase Outgrant Rent: Charge all outgrants fair market rent regardless of nonprofit status (except government agencies). | * The Corps would receive increased revenues for private use of public land and water. Impact: High. | * Political repercussions of redirecting revenue from counties and from the Treasury. * Prohibited by 33 USC 701 C-3. |
| (b) Charge Appropriate Rent or Administration Fee: Include in fees a base cost for processing outgrants. | * Corps would be able to obtain revenues commensurate with work required. Impact: Moderate. | * Policy changes would be needed to increase fees for leases and outgrants. * Political pressure to keep fees low may be expected. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|--|
| (c) Increase Permit Fees: Charge for all permits issued and/or allow corporate sponsorship of special events. | <ul style="list-style-type: none"> * Increase revenues commensurate with land base utilized and administration required. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Political repercussions of redirecting revenue from counties and from the Treasury. * Policy changes would be needed to increase fees for leases and outgrants. * Political pressure to keep fees low may be expected. |
| (d) Off-Peak Park Rental: Make park facilities available to private organizations, such as Outward Bound, on weekdays and other times of low visitation. | <ul style="list-style-type: none"> * Benefit local economy. * More balanced use of park facilities. * Attract visitors who otherwise would not come to the area. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * May be possible under current law. |
| (e) Hunting Area Leases or Lotteries: Lease specific areas for hunting for week/month/season. | <ul style="list-style-type: none"> * Help control hunting pressure and alleviate safety concerns in heavily used areas. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Change in policy. * Adverse user reaction. |
| 3. Sales: Compensation from the sale of government owned resources or products. | | |
| (a). Revenues from the Sale of Renewable and Non-Renewable Resources: Direct all revenues from these sales back to the project. | <ul style="list-style-type: none"> * Revenue that is currently directed outside of the Corps could go towards O&M. <p>Impact: High.</p> | <ul style="list-style-type: none"> * Legislation required to redirect revenue. |
| (b) Vending Machines: Provide vending machines in parks, directly or by way of concessionaires. | <ul style="list-style-type: none"> * Increases visitor conveniences by providing washers, dryers, food and drink in the parks. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Vandalism. * Accountability for small amounts of money and administration time and costs. |
| (c) Recycling Programs: Establish procedures for recycling bottles, cans and scrap metal. | <ul style="list-style-type: none"> * Actions demonstrate Corps concern for the environment. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Minimal handling and administration costs. * Property disposal regulations. * Some negative reaction from people currently supplementing their income this way. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|--|
| (d) Sale and Donations of Artifacts: After cultural resource studies are completed, allow for the donation or sale of artifacts that are not especially significant. | <ul style="list-style-type: none"> * Reduce or eliminate curation costs. * Support cooperating associations by providing items for sale. * Support local historical societies by providing artifacts for exhibits. * Increase public education and awareness of cultural and historical aspects of the areas. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Legislation and coordination with other agencies required. * Political and ethical concerns, especially involving Native American artifacts. * Very sensitive, although regionally lucrative, issue. |
| (e) Sale of Abandoned, Surplus and Impounded Items. | <ul style="list-style-type: none"> * Revenue recovered could be redirected from the General Treasury to go towards O&M. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires legislation and changes in GSA regulations. |
| (f) Project Related Information and Merchandise: Encourage the sale of brochures, maps and merchandise. | <ul style="list-style-type: none"> * Recoup production and printing costs of publications. * Reduces waste incurred when uninterested parties take publications only because items are free. * Supports cooperating associations. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Increases administrative responsibilities including accounting for cash and managing inventories. * Requirements to go through Government Printing Office for some publications increases cost and takes too much time. |
| 4. Advertising on Project Brochures. | <ul style="list-style-type: none"> * Reflect appeal of the project to readers. * Recoup costs of publication. * Enhance marketing potential. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Possible policy conflict. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|--|---|---|
| 5. Upgrade Existing Parks for Upscale Use: Provide additional facilities, campsites, hookups and build cabins. | <ul style="list-style-type: none"> * Prudent capital investments would enhance revenue potential. * Premium fees could be charged for overnight facilities. * Upscale facilities capitalize on the growing population of older Americans. * Improved sites and cabins would attract population that now goes elsewhere. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Initial capital outlays. * Change in policy to allow for cabin construction. |
| 6. Improved Open Areas: Make improvements and add facilities to accommodate outdoor concerts and gatherings. Encourage commercially sponsored events. | <ul style="list-style-type: none"> * Economic and cultural benefits to local communities. * The Corps gains increased exposure from events and the activities draw people that otherwise may not visit. * Involvement with the local community enhances Corps image. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Maintenance, security and administrative responsibilities increase. * Initial capital outlay may be needed for site improvements and support facilities. |
| 7. Community Dock Space: Increase the availability of community dock space at desired locations outside of marinas and make available through concessionaire agreements. | <ul style="list-style-type: none"> * Consolidates dock use while helping to meet public demand. * Corps deals with one concessionaire, rather than a large group of individuals. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires change in policy. |
| 8. Concession/Vendor Permits: (a) Charge vendors for permits allowing them to sell firewood, ice, food, bait, etc. (minor concessions). (b) Expand recreation concession activities such as sailing schools, horseback riding, cross-country skiing, scuba training, etc. | <ul style="list-style-type: none"> * Allowing vendors in parks would benefit small businesses and local economies. * Visitors provided goods/services not currently available. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Time and costs will be incurred to administer program. * Change in policy required i.e., no feasibility study should be required. * Corps liability may increase. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|--|--|--|
| 9. Bottle and Can Deposits: Include requirements for can and bottle deposit collection in concessionaire contracts. | <ul style="list-style-type: none"> * Reduces litter. * Actions demonstrate Corps concern for the environment. Impact: Low. | <ul style="list-style-type: none"> * There is a strong lobby against charging deposits on cans and bottles. |
| 10. Hydropower/Water Supply/Storage Charges: Charge hydropower, water supply and storage partners an increased share of O&M. Charge more for hydro-generation during recreation season. | <ul style="list-style-type: none"> * Costs of associated uses affected by water levels (i.e. recreation) offset by beneficiaries of project purposes. Impact: High. | <ul style="list-style-type: none"> * Renegotiate existing contracts. |
| 11. Recreation Craft Locking Fees: <i>Charge pleasure boats for passing through Corps locks.</i> <i>This item is not generally considered a part of the Corps traditional NRM program. These fees may be more appropriately addressed as part of the Inland Waterways Trust Fund.</i> | <ul style="list-style-type: none"> * <i>Appropriate charge for services rendered helps to recoup operating costs.</i> * <i>Reduces frivolous traffic.</i> Impact: High. | <ul style="list-style-type: none"> * <i>Public resistance.</i> * <i>Physical difficulties/costs of fee collection.</i> * <i>Legislation may be required.</i> * <i>Liability increases.</i> |
| | | |

Recreation Enhancements

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|--|--|--|
| 1. Challenge Grants: Initiate a program where non-Federal and corporate sponsors compete for government grants to provide facilities, services, programs, etc. In return for the grant, the selected sponsor is widely recognized for their contribution. | <ul style="list-style-type: none"> * More facilities are made available to the public at a greatly reduced price to the government (from 1 to 3 times Corps investment). * The Corps gains more sources for income. <p>Impact: Low-Moderate.</p> | <ul style="list-style-type: none"> * Congressional approval may be required. * Requires money to fund the government portion of the program. |
| 2. Donations: (a) Solicit and accept donations for facility enhancement, (i.e., solar heating for a restroom). (b) Establish non-profit project foundations to accept wills, contributions, etc. | <ul style="list-style-type: none"> * Could provide resources to improve or provide more facilities. * Public relations and tax write-off incentives for sponsors. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires change in policy to allow increased levels of soliciting and accepting donations. * Field approval limits for donations are too low. |
| 3. Gift Catalog: Establish an agency/ regional/project list of capital improvements, equipment or services that outside sponsors could provide. Sponsors are recognized for their contributions. | <ul style="list-style-type: none"> * Additional facilities and future revenue sources are received at little initial cost to the government. * Program would encourage community participation in project activities. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires change in policy to allow increased levels of soliciting and accepting donations. * Field approval limits for donations are too low. |
| 4. Cost Sharing: | | |
| (a) Infrastructure Development: As incentive to partners (including the private sector), provide infrastructure improvements (i.e., electricity, roads, water, etc.). | <ul style="list-style-type: none"> * Areas more attractive to potential partners. * More facilities would be made available to the public. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires policy changes. * Initial Corps outlays increase significantly. |
| (b) Non-Traditional Facilities: Sharing the costs for constructing golf courses, tennis courts, swimming pools and other recreation facilities not normally cost-shared at Corps projects. | <ul style="list-style-type: none"> * Greater variety of facilities are made available to the public, attracting different sectors of the population to Corps projects. * Opportunity to increase partner's yield on investment making Corps areas more attractive for investors. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Would require changes in policies and philosophies towards construction of non-traditional recreation facilities. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|--|
| (c) Modified Cost Sharing: Federal sharing of construction, some level of O&M costs and replacement/rehabilitation of facilities. | <ul style="list-style-type: none"> * More recreation opportunities are provided to the public. * Cost-sharing becomes more attractive to potential partners. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires changes in policy. * Outyear costs to Corps for some predetermined level of O&M. |
| (d) Rescind Requirement for ASA (CW) Approval for Cost-Sharing Agreements Under \$25,000. | <ul style="list-style-type: none"> * More recreation opportunities are provided to the public. * Streamline cost-sharing agreement process. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Requires change in policy. |
| 5. American Heritage Trust Fund: Expand fund to include the Corps of Engineers and promote its enactment. | <ul style="list-style-type: none"> * Would provide alternative source of funding to renovate facilities. <p>Impact: Moderate to High.</p> | <ul style="list-style-type: none"> * Legislative changes required. * Requires concurrence of Departments of Interior and Agriculture. |
| 6. Concessionaires: | | |
| (a) Defer or Abate Concessionaire Rent: Allow a financial break or delay in payment to attract partners. | <ul style="list-style-type: none"> * Concessionaire funding in early stages of development could be concentrated towards facilities. * Areas would be more attractive to investors. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Abatement requires changes in 16 USC4601 and lease policies. * Requires redirecting state and local revenues. |
| (b) Low Interest Loans: Make funds available for low interest loans for recreation development at Corps projects (possibly through the Small Business Administration). | <ul style="list-style-type: none"> * Encourages small businesses and helps local communities. * Provide "seed money" incentive for development. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Legislation required. * Agreement with Small Business Administration required. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|--|--|
| (c) Tax Incentives: Provide tax deduction for providing recreation facilities at Corps projects. | <ul style="list-style-type: none"> * Gives private sector incentive to develop at Corps projects. * Public is provided with more recreation opportunities. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires changes in tax code. |
| (d) Limit Concessionaire Liability: Encourage the passage of a law that limits the liability of concessionaires providing recreation opportunities/facilities at Corps projects. | <ul style="list-style-type: none"> * Lower insurance costs and limited liability would encourage private investment at Corps sites. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Legislation required. |
| (e) Relax Limitations on Concessioner Provided Facilities: Allow non-water oriented facilities to be developed on project lands. | <ul style="list-style-type: none"> * Public provided wider range of activities and diversions. * Concessionaire allowed larger income base. * Increased marketability of area to travelers. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Change in policy. |
| 7. Longterm Leases for Residential Development: <ul style="list-style-type: none"> (a) Condominium or apartment development in areas significantly above flood pool when developer required to provide additional recreation development or assumption of O&M of existing facilities. (b) Develop a "rent-to-own" plan commensurate with successfully providing recreation facilities for set time period. | <ul style="list-style-type: none"> * The Corps would be relieved of O&M costs of certain facilities, or additional facilities could be made available to the public. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Change in private exclusive use policy. * Less land available to the general public for hunting, low density recreation use and future recreation development. * Reduced opportunity to house homeless under McKinney Act. * Adverse public reaction. |
| 8. Cooperating Associations: Encourage the formation of the non-profit associations at projects. | <ul style="list-style-type: none"> * Associations can provide services through selling or distributing project related material. * Associations can support projects and interpretive programs by providing resources and personnel. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Regulation explaining Corps policy towards the associations has not yet been published. |

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**Alternative Management
Techniques**
(Management techniques that allow prudent
diversion of existing Corps
resources to other high priority uses/tasks.)

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|--|---|---|
| 1. Reward Efficiency: (a) Peer Group Awards: Employees are rewarded by peers for management efficiencies (like Forest Service program). (b) Promote the perception that ending the year below budget is a positive situation that will not jeopardize future budgets. Obligation and expenditure goals encourage full expenditure. | * Encourages efficiency. * Improves employee morale. Impact: High. | * Requires development of Personnel regulation. * Requires money for rewards. * Requires change in "end-of-year" philosophy. |
| 2. Power-Down Management: Follow Forest Service lead in giving field managers more authority (purchasing, contracting, approving outgrants, conducting compliance and utilization inspections, etc.). (a) Increase materials and supplies purchase authority to \$25,000/job and \$5,000/order and eliminate requisitioning through District. (b) Increase contract ceiling for wage rate requirements (Davis-Bacon). (c) Procure by least expensive method. | * Reduces duplication of efforts. * Makes the Corps more responsive to outside requests. * Gives authority to the employees with the most knowledge about the projects. Impact: High. | * Change in agency policy (procurement, real estate, etc.). * Additional administrative burden on managers time. |
| 3. Volunteers | | |
| (a) Student Conservation Association (SCA): Develop an agreement with SCA allowing for sole source contracting for Resource Assistance. | * Some SCA programs provide supervision, freeing Corps employees from this responsibility. * Participants have a natural resource management background. * SCA assistants can supplement Ranger staff. Impact: Low. | * Requires agency cooperative agreement, similar to Fish and Wildlife Service agreement with SCA. * Requires change in present restrictions on the use of volunteers. |
| (b) Volunteer Campground Hosts and Maintenance Hosts: Cooperate with groups such as "Good Sam" for assistance in locating hosts. As an incentive to attract and keep hosts, provide a lump-sum stipend payment at the successful completion of assignment. | * Replaces some service contracts with hosts. * Gives campground increased security. * Supplements manpower. Impact: Low. | * Changes in restrictions on volunteer use of equipment, vehicles and handling money needed. * Requires volunteer management training for Corps employees. * Turnover of volunteer employees. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|---|
| (c) Expand Use of Volunteers and College and University Interns. | <ul style="list-style-type: none"> * While not a source of steady or guaranteed services, can provide non-critical enhancements. * Reduce maintenance backlog and assist in renovation of facilities. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Volunteer management training required for Corps employees. * Previously mentioned restrictions on volunteers should be lifted. * Not a source of steady or guaranteed service. |
| (d) Adopt-A-Shoreline/Park/Trail. | <ul style="list-style-type: none"> * Encourages community involvement and educates the public. * Promotes environmental awareness. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * No significant constraints. |
| 4. Senior Conservation Corps: Initiate program similar to state Green Thumb programs. | <ul style="list-style-type: none"> * Inexpensive source of skilled and experienced workers. * Could replace some expensive service contract. * Self-supervised work force. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Legislation required. |
| 5. Jobs Bill: Army Civil Works Legislative proposal similar to 1983 Act which provided jobs, stimulated local economies and reduced Corps O&M maintenance backlog. | <ul style="list-style-type: none"> * Local economy is stimulated.. * Facilities could be renovated, reducing deferred maintenance backlog. <p>Impact: Moderate to High.</p> | <ul style="list-style-type: none"> * Requires legislation and if enacted, would be funded from General Treasury (deficit burden not relieved). * Requires additional responsibilities for Corps oversight and supervision. |
| 6. Contract Reviews: Periodically analyze contracts for cost and benefit. | <ul style="list-style-type: none"> * Reduce costs for expensive contracts when hired labor is less expensive. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires policy changes (return to hired labor where contracts prove to cost more). |
| 7. Mowing Contract Review: Eliminate all but essential frequent mowing contracts. Replace frequent mowing with periodic bush hogging and planting of open areas. | <ul style="list-style-type: none"> * Additional land available for forestry & wildlife. * Reduces need for service contracting. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires agency guidance. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|---|
| 8. Quarters for Hostels: Make empty quarters available to American Youth Hostel. | <ul style="list-style-type: none"> * Low cost, short-term recreation housing would be made available to the public. * The Corps would be relieved of building upkeep, maintenance and disposal costs. * Light volunteer service work could be obtained from hostel visitors who are expected to work to subsidize the low rental rates. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Policy change would be necessary. |
| 9. Complete or Update Project Environmental Impact Statements: Complete EIS's at all projects to set baseline for future requests. | <ul style="list-style-type: none"> * Project EIS completion would streamline cultural and environmental review process. * Reduce expenditures for environmental and cultural reviews. <p>Impact: Low.</p> | <ul style="list-style-type: none"> * Initial high costs. * Requires making EIS a high priority budget item. |
| 10. Designs: | | |
| (a) Design Standards: Develop uniform agency standards for facility design (possibly utilizing design contests in cooperation with colleges and universities). | <ul style="list-style-type: none"> * Facilities will be less costly to maintain. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Regional differences and requirements. * Initial start-up costs. |
| (b) Operations Review of Designs: Require Operations Divisions to review designs for ease of maintenance and other operating concerns. | <ul style="list-style-type: none"> * Reduces design costs and streamlines building of facilities. * Liability reduced by using designs with established safety records. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires emphasis and/or change in policy. |
| 11. Consolidation of Facilities, Parks and Projects | <ul style="list-style-type: none"> * Better control of parks. * Consolidating projects would reduce work duplication. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * No significant constraints. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|--|
| 12. Redefine District Boundaries: (a) Shift or consolidate district responsibilities (possibly along state lines) for efficient management. (b) Consolidate like responsibilities within district offices. | <ul style="list-style-type: none"> * Geographic benefits could be realized in some areas. * Increase uniformity and rapport with state agencies and the public (consistent policies). * Reduce duplication of work in some areas. Impact: Low. | <ul style="list-style-type: none"> * Requires reorganization of responsibilities. |
| 13. Operate Parks for Peak Use: Open parks to coincide with demand. | <ul style="list-style-type: none"> * Service contract savings potential. * Reduces site impact. Impact: Low. | <ul style="list-style-type: none"> * Public dissatisfaction. |
| 14. Agency Exchanges: Exchange parks or real estate when beneficial to both the Corps and the other agency. | <ul style="list-style-type: none"> * More efficient management possible in some areas. Impact: Moderate. | <ul style="list-style-type: none"> * Upfront costs and time to coordinate efforts. |
| 15. Analyze Market Trends: Make use of consultants to collect and analyze data. | <ul style="list-style-type: none"> * Make most efficient use of limited resources for facility development. * Potential for increased revenues is realized when new facilities and improvements meet visitor needs. Impact: Moderate. | <ul style="list-style-type: none"> * Requires initial outlays. |
| 16. Automate Collection of All Fees (Including outgrant collections, shoreline management receipts, camping, day-use, etc.). | <ul style="list-style-type: none"> * Reduces accounting time and costs. * Creates a system for retrieving data easily. Impact: Moderate. | <ul style="list-style-type: none"> * Requires upfront funding. |
| 17. Expand Credit Card Use: Use credit cards for all fee collections including outgrants, shoreline management and recreation. | <ul style="list-style-type: none"> * Simplifies accounting and controls. * Funds immediately available to Treasury. Impact: Low. | <ul style="list-style-type: none"> * Requires policy change. * Percentage of receipts goes to credit card company. |

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
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| 18. Increase Military Involvement: Use military and reserve units to accomplish specific renovation, construction, etc. | <ul style="list-style-type: none"> * Less costly alternative to contracting. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires redirecting of military equipment, funds, and personnel. * Could impact local construction job opportunities. * Requires time for coordination and oversight. |
| 19. Expand Model District Program: Provide the authority to test options that may enhance resources and revenues. | <ul style="list-style-type: none"> * The program would allow for options to be evaluated and improved prior to widespread implementation. Unpractical options could be weeded out. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Personnel and money to implement the options on a trial basis. |
| | | |

Marketing

| <u>Options</u> | <u>Benefits</u> | <u>Constraints</u> |
|---|---|---|
| 1. Develop Comprehensive Marketing Strategy and Project Prospectus. Promote some major Corps projects as "National Lakes". | <ul style="list-style-type: none"> * Encourage private investment and local sponsorship in providing recreation facilities and/or assume O&M of currently operated areas. * Increase revenue from higher visitation. <p>Impact: High.</p> | <ul style="list-style-type: none"> * Requires policy allowing marketing. * Marketing costs. * EIS may be required. |
| 2. Advertise Recreation Areas: Press releases, feature articles, public service announcements, paid advertising and new publications. | <ul style="list-style-type: none"> * Increased revenue from increased visitation. * Would give Corps areas more exposure to potential investors. <p>Impact: High.</p> | <ul style="list-style-type: none"> * Legislation may be required. * Policy changes required. |
| 3. Coordinate with State Tourism Officials and Encourage Involvement in Local Chamber of Commerce Organizations. | <ul style="list-style-type: none"> * Promote Corps projects as assets to local economies. * Enhanced public perception of the Corps. * Increase visitation and attract investors. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires reallocation of time and resources. |
| 4. Offer Prime Locations for Partnership Development. | <ul style="list-style-type: none"> * Provides private developers with best opportunity for return on investment. * Saving in overall management costs. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Change in management philosophy. |
| 5. Regional/National Coordination: (a) Coordinate with State, Regional and Local Economic Development Commissions. (b) Pool resources with sister Federal agencies for regional/national recreation development. | <ul style="list-style-type: none"> * Capitalizes on mechanisms already in place for attracting investors and visitors. <p>Impact: Moderate.</p> | <ul style="list-style-type: none"> * Requires reallocation of time and resources. |

TAB

U.S. ARMY CORPS OF ENGINEERS RECREATION STUDY

VOLUME II: APPENDIX F

**Information Collection Task Force #5
Increased Non-Federal Participation**

CORPS OF ENGINEERS RECREATION STUDY

REPORT OF TASK FORCE #5

**OPTIONS IDENTIFICATION AND ASSESSMENT
FOR
ENCOURAGING NON-FEDERAL INTERESTS
TO
MANAGE EXISTING CORPS RECREATION AREAS**

CORPS OF ENGINEERS RECREATION STUDY REPORT OF TASK FORCE #5

STUDY OBJECTIVE:

As requested by the Assistant Secretary of the Army for Civil Works, the Corps is to develop a plan that will maintain and enhance the public recreational opportunities at Corps projects while reducing the Federal costs for development and operation of recreational facilities.

TASK ASSIGNMENT:

Within the context of the study objective, Task Force #5 is to contribute to the information collection effort by identifying and assessing potential options that could lead to greater participation by non-Federal interests in the management of existing Corps recreation facilities. In identifying the options, Task Force #5 is to consider incentives, (e.g. prior facility upgrading or a continued, but reduced Federal participation) that might be needed to increase the interest of non-Federal entities.

In its assessment of the options, the task force is to include the potential impacts on the Federal burden, the quality of the recreation experience, and the natural resource base. Also, the task force is to describe the market, development, resource, institutional, and other such conditions under which particular options will most likely lead to a favorable or increased interest by non-Federal entities. Both the positive and negative aspects of each option are to be considered.

APPROACH:

A literal reading of the task assignment could imply a comprehensive research effort requiring social, economic and environmental data collection, budget statistics, and non-Federal interest surveys to determine the validity of options identified and quantitatively describe their impacts. However, given the constraints on time and resources, the Task Force developed a qualitative assessment of potential options and their impacts based on the opinion and judgement of experienced Corps personnel.

TASK FORCE COMPOSITION:

A geographic diversity was achieved by the selection of task force members from California, Texas, Mississippi, Tennessee, Maryland and Washington, D.C. Collectively the members have over 160 years of experience in the recreation field. Messrs. Snow and Holmberg are well versed in the areas of recreation planning, development and environmental design. Mr. Barnes contributed over 16 years experience in land management and disposal. Insightful thought and comment were provided by Dr. Anderson from his recreation research experience. Mr. Jarboe brought extensive operation experience and Mr. Synder provided recent field experience. Messrs Prante, and Otto, provided insight from a HQUSACE perspective.

A brief background for each active task force member is provided at Attachment I. Ms. Howell and Messrs Bittner, Flachbarth and Hewitt served as consultants on an as needed basis.

OPTION IDENTIFICATION:

The team reviewed a wide spectrum and a large number of options generated from several different sources. Initially, the list of "strawman" strategies, produced from a brain storming session of the main task force, was reviewed. About 40 of these were retained for further consideration. Drawing upon the experience of team members other options were identified by the Task Force.

During subsequent screenings and consolidation, the duplicate, and non-objective options were discarded pairing the master list to 38 options for systematic assessment. These 38 options were then organized into five incentive categories: Financial, Development, Lease, Marketing/Promotion and Policy/Legislative. Grouping of the options into these categories allowed similar ones to be considered collectively, thus facilitating systematic assessment and increasing organizational efficiency. Some options did not "fit" concisely into a single category but, could have been placed into two or more. In these cases, the team selected the most relevant category.

Attachment II "List of Options", presents the options grouped by relevant categories. Each category is provided a definition and each option is numbered, assigned a "short" title, and full statement of its intent.

OPTION ASSESSMENT:

Members of the task force reviewed the options collectively and individual members were assigned a number of options for assessment. All members reviewed the work of fellow

members. A final meeting was held to discuss each option and to reach consensus. Because of the backgrounds of Task Force members, differences in literary style and approach may be detected in option evaluations.

An assessment profile was developed consisting of the option's short title, situation, proposition, impacts and conditions necessary for favorable non-Federal interest. Attachment III contains a complete profile for each of the 38 options assessed and addresses the impacts on the Federal Burden, Quality of the Recreation Experience and the Natural Resource Base.

CONCLUSION:

The information contained in this report is the collective opinion and judgement of the members of Task Force #5. The ideas presented, while not all inclusive, constitute the types of initiatives and incentives necessary to increase the non-Federal public and private assumption of existing recreation areas at Corps of Engineers water resource projects. While some options may not in themselves encourage non-Federal entities to operate existing Corps recreation areas, combination of options may collectively increase the attractiveness. The Task Force did not assess this synergistic potential.

HOWARD J. PRANTE
CHAIRMAN, TASK FORCE #5

**CORPS OF ENGINEERS RECREATION STUDY
REPORT OF TASK FORCE #5**

**ATTACHMENT - I
ACTIVE MEMBERS**

**CORPS OF ENGINEERS RECREATION STUDY
REPORT OF TASK FORCE #5**

ATTACHMENT-I: ACTIVE MEMBERS

HOWARD J. PRANTE: Policy Analysts/Outdoor Recreation Planner, Policy Guidance and Application Branch, Policy and Planning Division, Civil Works Directorate, HQUSACE. Mr. Prante has over 28 years service with the Corps of Engineers and 5 years with the U.S. Forest Service. His experience includes 5 1/2 years as Chief, Environmental Resource Branch (ERB), Huntington District, 4 years with ERB, St. Louis District and 5 years in the Real Estate Division, Kansas City District. He has been in his current position 13 years. Mr. Prante holds a BS in Forestry from the University of Missouri.

JOHN S. JARBOE: Chief, Operations Division, Fort Worth District. Mr. Jarboe has 32 years service with the Corps of Engineers in the fields of engineering, construction and project operation. For the last 27 years he has served in the operation and maintenance field for the Tulsa and Fort Worth Districts. He is a registered professional engineer in the states of Oklahoma and Texas. Mr. Jarboe holds a BS in Mechanical Engineering from Oklahoma State University.

ADOLPH J. ANDERSON: Program Management, Recreation and National Resources Research, Environmental Laboratory, Waterways Experiment Station, Vicksburg. Dr. Anderson has over 18 years service with the Corps of Engineers. His experience includes 5 years conducting recreation and socio/economic studies in the Fort Worth District and the last 13 years in the conduct of a wide array of research projects designed to enhance recreation and natural

resource management. Dr. Anderson holds a PhD in Recreation and Resource Development from Texas A&M University.

J. TODD SNOW: Environmental Resources Planner, Environmental Analysis Branch, South Pacific Division. Mr. Snow has over 20 years service with the Corps of Engineers. His experience includes recreation planning, and environmental design for the Huntington, Portland and Seattle Districts. He has served in his present position for the last 13 years. Mr. Snow holds a BS in Sociology from the University of Illinois and a BLA from the University of California.

JOSEPH J. HOLMBERG: Chief, Natural Resources Management Unit, Sacramento District. Mr. Holmberg has over 16 years service with the Corps of Engineers, 8 years with the Bureau of Reclamation and 3 years with a private environmental consulting firm. His experience includes the planning, development, and operation of recreation and natural resource areas. The last 10 years he has served in the Operations Branch of the Sacramento District. He recently served as Acting Chief, Recreation Programs Section, Construction Operations & Readiness Division, HQUSACE on a temporary assignment. Mr. Holmberg holds a BS in Forest Management from Oregon State University.

WILLIAM O. BARNES: Chief, Management & Disposal Branch, Real Estate Division, Nashville District. Mr. Barnes has 16 years service with the Corps of Engineers. His experience spans all aspects of land management and disposal including recreation concessionaire management. Mr. Barnes holds a BS in Forestry from the University of Tennessee.

DONALD P. SNYDER: Chief, Natural Resource Management Section, Operations Division, Baltimore District. Mr. Snyder has 10 years service with the Corps of Engineers. All of his experience is in the natural resource management field starting as a Park Technician in the St. Louis District, later as Park Ranger in the Rock Island District and currently in his present position as section chief. Mr. Snyder holds a BS in Natural Resource Management from Slippery Rock State University.

ALEXANDER C. OTTO: Senior Water Resource Planner, Eastern Regional Management Branch, Policy and Planning Division, Civil Works Directorate, HQUSACE. Mr. Otto has over 29 years service with the Corps of Engineers. Early experience included Master Planning, recreation planning, and facility design through construction while at the Pittsburgh District for 13 years. Latter experience includes 10 years with the Environmental Resources Branch of the Planning Division, HQUSACE and 6 years in his present position. Mr. Otto holds a BS in Landscape Architecture from Pennsylvania State University.

**CORPS OF ENGINEERS RECREATION STUDY
REPORT OF TASK FORCE #5**

**ATTACHMENT - II
LIST OF OPTIONS**

CORPS OF ENGINEERS RECREATION STUDY
REPORT OF TASK FORCE #5

ATTACHMENT-II: LIST OF OPTIONS

FINANCIAL INCENTIVES

This grouping of options involves government financial contributions as an incentive to non-Federal and/or private parties to assume additional management responsibilities on Corps projects. Financial contributions can take the form of land, service or direct payment.

1. **Fee Lands for Management:** Provide fee lands to non-Federal and Private entities in exchange for takeover of existing Corps public recreation areas.
2. **Fee Lands for Financing:** Provide lessees with sufficient fee lands to allow them to obtain financing.
3. **Low Interest Federal Loans:** Offer low interest, long term Federal loans for private/non-Federal entities to manage and develop public recreational facilities on Corps lands.
4. **Fund Marketing Studies:** Fund marketing studies as the cost of these studies deters potential recreation providers from pursuing the lease.
5. **Rescind Up Front Financing:** Ease or eliminate requirements for up front financing of recreation development.
6. **Cost-Sharing-Non-Profit:** Allow cost sharing with non-profit entity.
7. **Cost-Sharing-Private:** Allow cost sharing with on private entity.
8. **Cost Sharing-O&M:** Allow cost sharing for operation and maintenance expenses with non-Federal Public interests.
9. **Cost Sharing-Development:** Revise cost sharing formula for facility development to increase Federal share.
10. **Improvement Fund:** Develop a fund for construction or improvement of recreational facilities.
11. **Consolidation/Renovation:** Consolidate and renovate facilities to improve inefficient recreation areas.

12. Provide Corps Expertise: Consult with and make available Corps expertise to private/non-Federal entities on risk management and provide design and/or construction management.
13. Provide Infrastructure: The Corps construct all or part of the infrastructure including roads, parking lots, utilities, and sanitary facilities.

DEVELOPMENT INCENTIVES:

This group of options address development by non-Corps entities on Corps projects.

14. Allow Private Exclusive Use: Lessen the restriction on the type and location of private exclusive use in conjunction with public recreation and charge a realistic fee for that use.
15. Non-Traditional Recreation: Allow non-traditional recreation facilities.
16. Lease Entire Lakes: Offer entire lakes (minus the dam and outlet works) for lease.
17. Cost Sharing-Facilities: Ease restriction on types of facilities cost shared.

LEASE INCENTIVES:

This group of options involves modifications to existing lease forms, procedures, and/or practices.

18. Lower Lease Costs: Lower rent cost to lessees.
19. Longer Term Lease: Lengthen the term of the lease for private concessions to allow long term financing.
20. Allow Lessees More Activities: Allow lessees to conduct any type of commercial activity that supports recreational use.
21. Remove Reinvestment Requirements: Remove requirements for public lessees to reinvest all funds generated on the site.

MARKETING/PROMOTION INCENTIVES:

This group of options involves promotion or marketing of Corps project by the Corps of Engineers.

22. Advertising Program: Use Corps resources to advertise recreational opportunities at Corps projects to increase use.
23. Marketing Programs: Engage in economic advertising and marketing to developers to encourage private/non-federal entities to lease recreation areas.
24. University Run Parks: Encourage college/university to operate parks using students who are gaining college credits and/or money from their efforts.
25. Foster Local Interests: Foster local/community organizations to encourage non-Federal takeover of recreational facilities.
26. Swap Recreation Areas: Swap recreation areas with other agencies to facilitate management efforts.

POLICY/LEGISLATIVE INCENTIVES:

This group of options involves new legislation or changes in existing law, regulation, and policy.

27. Diversification of Use: Expand Congressionally authorized project purposes to allow more diversification of use of public lands (make recreation an equal purpose).
28. 14 Day Occupancy Limit: Extend or eliminate the Corps 14 day occupancy limit.
29. Non-Uniform Fees: Allow operators to charge non-uniform fees to members or residents to encourage those groups to take over recreation areas.
30. Loosen Liquor Restrictions: Loosen restriction on sale of Liquor.
31. Loosen Lottery Restrictions: Loosen restriction on sale of lottery tickets.
32. Negotiated Expansion: Allow non-competitive expansion of concession leases into adjacent Corps operated recreation areas.
33. Land Acquisition Authority: Seek legislative authority to allow land acquisition to facilitate recreation development (including the right of eminent

domain) to provide a private/non-Federal entity with adequate land and location to engage in profitable public recreation activities.

34. Use of Other Federal Funds: Allow non-federal organizations to use other federal funds in conjunction with Corps cost sharing funds.
35. Members Only Development: Allow "members only" operated recreational developments when members pay the O&M.
36. Equitable Recreation Fees: Ensure the Corps recreation fees do not undercut private/non-Federal competition.
37. Eliminate Free Camping: Eliminate the free camping requirement.
38. Corps Operation of Turnback Areas: Allow Corps operation of returned recreation areas to encourage other potential lessees.

**CORPS OF ENGINEERS RECREATION STUDY
REPORT OF TASK FORCE #5**

**ATTACHMENT - III
OPTIONS ASSESSMENT PROFILES**

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 1: Fee Lands for Management

SITUATION: Current regulations allow leasing of Corps-administered lands to private and non-Federal public entities. Leases can be for multi-year terms with rental being required from private concessionaires but not from public entities. Federal law controls the disposal of land. It is not permissible to exchange land for services.

PROPOSITION: The Corps would transfer fee lands to private and non-Federal public entities in exchange for takeover of existing recreation areas. As an inducement to non-Federal (public and private) to assume additional operations of existing Corps-operated public use areas, the Corps could exchange parcels of fee land with transfer being conditional on non-Federal's assuming O&M of an existing Corps-operated recreation area. Land to be given up could be contiguous to the recreation area or located elsewhere. This would allow the operator to receive a valuable consideration, land, for service to be provided.

IMPACT:

- a. Federal Burden: This option would provide a reduction of O&M expenditures to the extent that non-Federal entities would be willing to assume operation of additional Corps areas. The cost is a reduction in the Federal land base resource.
- b. Recreation Experience: Impacts on the quality of recreation experience are unknown. Quality would likely not be increased but could decrease as lands are lost to governmental control.
- c. Natural Resource Base: Adoption of this option would reduce the total available resource base by the amount of land transferred in fee. Impact on transferred lands would be dependent on actions by the non-Federal operations but could be significant if intensive development occurs.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option will apply primarily in cases where a non-Federal or private interest has a need for government-controlled land, or where the economics of a situation would favor a takeover with accompanying expense being offset by the value of land received by the non-Federal interest. Determining factors would be value of land being provided. Other situations which might favor this option are cases where a developer (public or private) desires some type of non-traditional development not permissible on leased property. This option would be most useful in special situations such as projects in urban areas. Once transfer is completed, compliance and upkeep of the leased Corps lands could be problem since the non-Federal interest would have already received their benefits and would have little incentive to perform. This option is contrary to several laws, regulations, and policies. Federal law is involved both from the standpoint of excessing and disposing of property.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 2: Fee Lands for Financing

SITUATION: Currently lessees place all of their facilities on land which they lease and/or on adjacent land which they own or control. Under this method, the Corps maintains significant control of activities. This control and the uncertainty of renewal creates a situation where private financing is sometimes difficult to obtain.

PROPOSITION: Provide lessees with a portion of their land base in fee. This option would allow developers to own, in fee, a portion of the area that traditionally was only leased. This area of fee land could be used for types of development not permissible on Corps land (i.e., residential). This should make sites more attractive to developers since their fee land could then be used as security for borrowing purposes.

IMPACT:

- a. Federal Burden: This option could reduce O&M if this incentive resulted in more takeover by non-Federals of existing Corps-operated recreation areas.
- b. Recreation experience: Impacts on the quality of recreation are uncertain. Quality may not be increased but could decrease as lands are lost to governmental control. The enhanced ability of developers to finance expansion could result in an increase of available facilities with both advantages and disadvantages, depending upon the nature of the facilities.
- c. Natural Resource Base: Adoption of this option would reduce the total available resource base by the amount of land transferred in fee. Impact on remaining lands would be dependent on actions by the non-Federal operations. Primary disadvantage to the United States is total loss of control of the transferred property with a long-term potential for in-holdings being generated.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps-operated and concession-operated recreation areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of this option. Market limitations would restrict applications to existing well located, heavily used areas with good potential for expansion. If this option is adopted it would be applicable to both existing areas and to new or prospective areas. Once transfer is completed, compliance and upkeep of the remaining Corps lands could be a problem since the non-Federal interest would have already received their benefits and would have less incentive to perform. This option is contrary to several laws, regulations, and policies. Federal law is involved both from the standpoint of excessing and disposing of property.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 3: Low Interest Federal Loans

SITUATION: The costs of securing loans for the management or development of Corps recreation areas precludes participation by most non-Federal entities.

PROPOSITION: Offer low interest, long term Federal loans to private or non-Federal entities to develop public recreation facilities on Corps lands.

IMPACT:

- a. Federal Burden: This option would have some costs to the Federal government. Low interest government loans are presently being used to subsidize a wide array of programs. The costs of administering the loans also would increase the Federal burden as would any defaults on loans. In the long run, however increased takeover and operations of recreation areas by non-Federal interests could result in savings.
- b. Recreation Experience: With low interest loans there would be more opportunity to manage and develop more recreation facilities. Initially there may be "more things" to do but this does not equate to an increase in the quality of experience.
- c. Natural Resource Base: As with any approach that allows or encourages development of areas for recreation, this proposal may adversely affect the natural resources on or adjoining those areas. The takeover of operations by a sponsor interested primarily in recreation rather than in stewardship of all resources, as the Corps is, could result in adverse impacts.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Based on the history of this type of program most developers would welcome the chance to secure low interest Federal loans. The incentive value of this option could be very high. To develop a loan system would involve the allocation of obligated funds that would be used for development of recreation at Corps projects. Legislation would be required. The option could provide an incentive for new developers to take advantage of the low interest loans.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 4: Fund Marketing Studies

SITUATION: Some Corps districts require extensive research and studies to be completed before allowing non-Federal entities to take over management of a recreation area. The costs of these studies often deter potential developers from pursuing lease agreements.

PROPOSITION: The Corps would fund marketing studies that would demonstrate, to the developer, that there is a market for the activity that is proposed.

IMPACT:

- a. Federal Burden: Providing the studies required for proposed developments on Federal lands could impact the Federal budget depending on the level of detail required. In the long run, however, increased takeover and operation of recreation areas by non-Federal interests could result in savings.
- b. Recreation Experience: A well planned business, with existing studies to show the interest level is high, could increase the quality of the recreational experience. If the studies are conducted correctly and produce good data, the visitor recreational needs could be met or exceeded.
- c. Natural Resource Base: No major impacts on the natural resource base are likely unless additional facilities are constructed and as long as the area is managed similarly to the manner managed by the Corps.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Marketing studies are of recognized value. The Federal government's funding these studies could be a substantial incentive. Marketing studies would be able to put a value on the recreational experience. The Corps would have to develop a policy for funding these studies. Most districts have expertise to do marketing studies to some extent. Marketing studies are only one element by which a company identifies a market for their product or service and may not result in a non-Federal entity's agreeing to operate and maintain a recreation area.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 5: Rescind Up Front Financing

SITUATION: The Federal Water Project Recreation Act of 1965 (P.L. 89-72) provides for cost sharing on a 50 percent Federal/ 50 percent non-Federal basis for recreation facility development by qualified non-Federal public entities. The Act also requires 100 percent of the O&M to be the responsibility of the non-Federal public sector. It also allows the non-Federal share of the facility development costs to be paid back over time, up to 50 years. However, this pay back over time option is precluded by administrative policy which requires that up front financing by the non-Federal public sector be provided for the Corps to participate in cost sharing in recreation developments.

PROPOSITION: Under this proposition, the non-Federal public sector would be allowed to pay back its share of the recreation facility development costs over time consistent with P.L. 89-72. The administrative policy for up front financing of these costs would be rescinded.

IMPACT:

- a. **Federal Burden:** Implementation of this option would require the Federal government to finance the total capital improvement cost for recreation development. Although this could be considered an adverse impact on the Federal budget deficit, in the longer term, the full portion of the non-Federal share for development would be paid back to the government with interest and additional non-Federal entities might be encouraged to operate and maintain, therefore reducing the Federal O&M burden.
- b. **Recreation Experience:** Any development of planned recreational opportunities could be considered a favorable impact on the quality of the recreation experience. This is particularly true considering that the Corps is precluded from providing needed recreation facilities without cost sharing.
- c. **Natural Resource Base:** As with any approach that allows or encourages development of areas for recreation, this proposal may adversely affect the natural resources on or adjoining those areas. The takeover of operations by a sponsor interested primarily in recreation rather than in stewardship of all resources, as the Corps is, could result in adverse impacts.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: There are 2507 existing recreation areas presently operated by the Corps. Each of these areas has been developed in varying degrees supporting a wide array of public recreation opportunities. This array of opportunities provides non-Federal public entities (i.e., States, countries, cities, etc.) various choices to satisfy a local recreation need. Current policy encourages the non-Federal public sector to take over these existing areas. Implementation of this proposal would provide an added incentive particularly for those entities that have limited funds for capital improvement (normally smaller communities). By allowing these costs to be paid back over time as provided in PL 89-72, the potential exists for encouraging additional non-Federal operation and maintenance. Institutionally, implementation of this proposal would only require an

administrative change in policy. The success of this proposal would be dependent upon a marketing strategy and an internal acceptance by the Corps to market its operated areas. The key for marketing would be the location, expansion potential and a demonstrated need an individual site provides for additional local recreation opportunities. The size of an area or type and amount of existing development are not considered limiting, but may be a factor dependent upon the needs of the non-Federal public entity targeted for takeover of an area.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 6: Cost Sharing-Non-Profit

SITUATION: The Federal government can share in the cost of recreational development only with non-Federal public sponsors. This may keep some otherwise qualified sponsors from taking over and operating existing recreational areas, as it is too expensive for them to upgrade and expand the areas to function economically.

PROPOSITION: Allow Federal cost sharing of further recreational development by non-profit organizations (such as Boy Scouts, chambers of commerce, and civic organizations instead of just with non-Federal public sponsors), as an incentive for these groups to take over operation of recreation areas either for their own exclusive use, as a money making activity, or as a civic good.

IMPACT:

a. Federal Burden: The greater outlay of Federal funds initially presumably would be overcome by long term savings as a result of less Federal involvement in operation of recreation areas.

b. Recreation Experience: There should be little change in the quality of recreation experience if the operating entity is required to operate the area in accordance with standard procedures. To the extent that an operator is allowed to operate the area exclusively for its membership, recreation for the general public would suffer.

c. Natural Resource Base: As with any approach that allows or encourages management of an area just for recreation, this proposal to the extent that it is successful in getting others to operate portions of project areas may tend to adversely affect the natural resources on or adjoining those areas. Groups interested primarily in recreation may not have as great a dedication to stewardship of all the resources as does the Corps, resulting in neglect or loss of natural resources.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Cost sharing has been prescribed by, or modeled on, the language in PL 89-72, which allows Federal cost sharing with "non-Federal public bodies." This law and policy would require change to broaden the range of cost sharing partners. Unpopular groups might qualify for and seek take over of recreation areas as causing local controversy and embroiling Corps in the issues. Groups would have to be carefully checked to assure that they are legally and financially capable.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 7: Cost Sharing - Private

SITUATION: The Federal government can share in the cost of recreational development only with non-Federal public sponsors. This may keep some otherwise qualified sponsors from taking over and operating existing recreational areas, as it is too expensive for them to upgrade and expand the areas to function economically.

PROPOSITION: Allow Federal cost sharing of further recreational development with private groups or commercial entities instead of just with non-Federal governments.

IMPACT:

a. Federal Burden: The greater outlay of Federal funds initially presumably would be overcome by long term savings as a result of less Federal involvement in operation of recreation areas.

b. Recreation Experience: With proper restrictions on operation, there should be no substantial change from the present in quality of recreation experience.

c. Natural Resource Base: As with any approach that allows or encourages management of an area just for recreation, this proposal to the extent that it is successful in getting others to operate portions of project areas may tend to adversely affect the natural resources on or adjoining those areas. Groups interested primarily in profit probably would not have as great a dedication to stewardship of all the resources as does the Corps, resulting in neglect or loss of natural resources in or around the recreation area.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Cost sharing has been prescribed by, or modeled on, the language in PL 89-72, which allows Federal cost sharing with "non-Federal public bodies." This law and policy would require change to broaden the range of cost sharing partners.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 8: Cost Sharing-O&M

SITUATION: Traditionally, non-Federal public interests have borne 100 percent of the operation and maintenance costs on areas leased for recreational purposes at Corps projects. Only facility development costs have been cost shared. This is consistent with the Federal Water Project Recreation Act of 1965 (P.L. 89-72). Subsequent to the passage of this Act, the recreation cost sharing principles of P.L. 89-72 also were administratively applied to pre-1965 Corps water resources projects. O&M costs have become a major constraint for non-Federal public entities to lease additional areas.

PROPOSITION: Allow Federal cost sharing with non-Federal public entities for the O&M expenses at existing recreation areas currently operated by Corps.

IMPACT:

a. Federal Burden: Implementation of this option offers an opportunity for a win-win situation for both the Federal and non-Federal public sectors. The total Federal O&M cost would be reduced and the non-Federal public sponsors' traditional 100 percent O&M costs would be offset. An adverse consideration for a policy to cost share O&M with non-Federal public interests is that current lessees may demand renegotiation to obtain Federal O&M cost sharing. If this was allowed to occur, favorable impact on the Federal burden could be significantly lessened.

b. Recreation Experience: Spreading the burden for O&M costs would better assure that the recreation facilities at Corps projects will be maintained at a high standard for the benefit of the using public. This is particularly true during times when budgets for O&M stabilize or are reduced as now being experienced by the Federal sector.

c. Natural Resource Base: This option addresses only O&M costs for existing recreation areas, not new development. Therefore, little or no impact on the natural resource base is foreseen as a direct result of this proposition. Takeover of operations by others at recreation areas now operated by Corps could result in impacts to the natural resources if operations focused more exclusively on recreation instead of on stewardship of all resources.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Implementation of this option would be limited to all qualified non-Federal public sponsors but not the private sector. Application would be available to all 2507 existing recreation areas operated directly by the Corps. Interest by qualified non-Federal public entities would stem from the fact that the continuing year-to-year budget costs for O&M could be cost shared with Corps. Many of these non-Federal public entities are experiencing the same type of budget constraints that the Federal sector is. The availability of this option in conjunction with a development type option (such as upgrading the existing facilities prior to leasing a site) would provide added incentive for the non-Federal public sector to take over some existing Corps recreation areas. Implementation of this option would require a change in administrative policy. It would not

necessarily require a change in P.L. 89-72 since many existing areas operated by Corps are located on pre-1965 projects.

The effectiveness of this option as an incentive would be dependent upon the amount of O&M cost sharing allowed. Two possible approaches would be 50/50, non-Federal/Federal, or major maintenance Federal and normal O&M non-Federal. A percentage split may be more appealing to the States which operate larger facilities whereas the second approach may be more appropriate for smaller communities which could afford day-to-day maintenance but not major repairs.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 9: Cost Sharing-Development

SITUATION: With the enactment of the Federal Water Project Recreation Act of 1965 (P.L. 89-72), subsequent recreation developments at Corps projects required Corps to cost share with non-Federal public entities on a 50/50 basis. This is consistent with the requirements of the WRDA 1986, P.L. 99-662. Public Law 89-72 also required the non-Federal sponsor to be responsible for 100 percent of the O&M. Later, P.L. 89-72 was amended to allow fish and wildlife habitat enhancement to be cost shared on a 75 percent Federal/25 percent non-Federal basis.

PROPOSITION: It is proposed that the cost sharing formula for recreation facility development be changed from 50/50 to 75 percent Federal/25 percent non-Federal. Precedence for increasing the Federal share to 75 percent was established when P.L. 89-72 was amended to encourage the non-Federal public sector to manage and enhance the fish and wildlife resources at Corps projects.

IMPACT:

a. Federal Burden: This option would increase the Federal share of capital improvement cost for recreation development from 50 to 75 percent. This may be an incentive, however, for the non-Federal public sector to take over those existing Corps operated areas which could be expanded with more revenue producing facilities. Along with the additional revenues achieved from expansion, the reduced development cost to the non-Federal entity may prove enough to offset any higher O&M cost of operating existing areas now under Corps operation. Any take over of Corps areas by the non-Federal sector would have a favorable impact on the Federal O&M burden.

b. Recreation Experience: Any development of planned recreational opportunities could be considered a favorable impact on the quality of the recreation experience, especially since Corps is prevented from providing needed recreation facilities without cost sharing.

c. Natural Resource Base: As with any approach that allows or encourages development of areas for recreation, this proposal may adversely affect the natural resources on or adjoining those areas. The takeover of operations by a sponsor interested primarily in recreation rather than in stewardship of all resources, as Corps is, could result in adverse impacts.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

There are 2507 existing recreation areas presently operated by Corps. Each of these areas has been developed in varying degrees supporting a wide array of public recreation opportunities. This array of opportunities afforded at these existing sites provides non-Federal public entities various choices to satisfy a local recreation need. Current policy encourages the non-Federal public sector to take over these existing areas. Increasing the Federal cost sharing percentage for recreation facility development would provide an added incentive. It would allow the sponsors to modify, upgrade or expand an existing site at a reduced capital improvement cost.

Institutionally, this proposal would require a change in law even though a precedence for 75 percent Federal/25 percent non-Federal cost sharing has been enacted for fish and wildlife enhancement. The success of this proposal would be dependent upon a marketing strategy and an internal acceptance by the Corps to market its operated areas. The key for marketing would be the location, expansion potential and the demonstrated need an individual site provides for additional local recreation opportunities.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 10: Improvement Fund

SITUATION: Corps of Engineers recreation areas are sometimes not in a condition or have an inappropriate mix or number of recreation facilities to encourage non-Federal operation. Recreation area rehabilitation or modernization and/or expansion might make Corps' areas more attractive.

PROPOSITION: Develop a fund for construction or improvement of recreation facilities to encourage conversion to non-Federal operation. Such a fund could function similarly to the SRUF (Special Recreation User Fee) fund which returns collected user fees to the parks for renovation, consolidation and/or construction of additional recreational facilities. Such a fund could be supported by appropriations as timber sales, lease revenues and proceeds from the sale of surplus project lands.

IMPACT:

a. Federal Burden: Depending on the source of funds there could be an initial increase in Federal expenditure. However, if this expenditure encourages non-Federal interests to operate and maintain the area, the Federal burden would be reduced over the long term.

b. Recreation Experience: Modernized and/or expanded recreation facilities could improve the quality of the recreation experience of most users.

c. Natural Resource Base: Renovation of existing recreation facilities should have minor impact on the resources mainly from short-term construction disturbances. Expansion of existing or construction of new recreation facilities could impact the resource base as presently undeveloped buffer or natural areas would be converted to intensively utilized recreation areas. Depending upon the area, any increase in development could intensify use pressures on an already limited resource.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Modern and quality recreation facilities in sufficient quantity to produce a reasonable return from fees might encourage non-Federal entities to agree to operate and maintain Corps recreation facilities. Efficient facilities would reduce O&M costs and attractive facilities would encourage visitation which, in turn, would increase revenue generation. Areas would have to be close enough to population centers and have the potential for significant visitation otherwise non-Federal interests would continue to decline to operate Corps areas since such operation would only be a drain on their budget. Changes in law would be required if redistribution of funds is involved.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 11: Consolidation/Renovation

SITUATION: Private concessionaires are sometimes not interested in leasing Corps recreation areas because the areas are inefficient and/or the facilities are in need of renovation. As is the case with non-Federal public entities, private concessionaires may be interested in leasing areas and facilities which would be efficient to operate, attractive to the visitors and which would enable them to make a profit.

PROPOSITION: Consolidate/renovate existing recreation areas to improve their efficiency and to thereby make them more attractive.

IMPACT:

a. Federal Burden: Initially, as these areas are consolidated/renovated, there would be an increased expenditure of Federal funds. As these areas are made attractive for concession management, the Federal burden would decrease as O&M of the areas would be accomplished by concessionaires. Concession management also would permit a nominal return to the Treasury from lease fees.

b. Recreation Experience: Renovation certainly and consolidation possibly could improve the quality of the recreation experience. Whether O&M of areas by concessionaires would improve the quality of the recreation experience when compared to continued Corps management would depend upon the personnel and management philosophies of each entity.

c. Natural Resource Base: Renovation of existing recreation facilities should have minor impact on the resources mainly from short-term construction disturbances. Consolidation of areas might result in some existing areas being reclaimed from intensive recreation development and returned to a more natural condition. Consolidation could also result in some areas being expanded in an effort to make them more efficient. Expansion of existing recreation areas as part of the consolidation effort could impact the resource base as presently undeveloped areas would be converted to intensively utilized recreation areas.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Modern and quality recreation facilities in sufficient quantity to produce a reasonable return from fees might encourage concessionaires to agree to operate and maintain Corps recreation facilities. Efficient facilities would reduce O&M costs and attractive facilities would encourage visitation which, in turn, would increase revenue generation. Areas would have to have the potential for significant visitation.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 12: Provide Corps Expertise

SITUATION: Corps currently provides only review of proposed developments on government lands.

PROPOSITION: The Corps make available its design and construction management expertise to the non-Federal entities. The Corps also could provide the specifications on safety design of proposed non-Federal facilities.

IMPACT:

a. Federal Burden: The impacts on the Federal burden would be minor considering that this is already done to some extent on the majority of work that is submitted to the Corps for review. Employees currently in the government work force could be made available for this work. If this added service helps to encourage non-Federal takeover and operation of Corps recreation areas, there could be an ultimate lessening in the Federal burden.

b. Recreational Experience: The experience to the visitor would be enhanced by well constructed and designed recreation facilities in both Corps and non-Federal facilities.

c. Natural Resource Base: No major impacts on the natural resource base are likely as long as the area is managed similarly to the manner managed by the Corps. If additional facilities are constructed there may be adverse impacts.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: All developers are required to submit their plans to the Corps for approval. There is no incentive for a developer to submit in-progress work for review especially when there are deadlines to meet. A well planned and constructed facility using Corps design and construction management expertise may increase visitation to that facility. Risk management review would identify liability aspects. Timely input by the Corps would provide an incentive to non-Federal entities. Developers may resist the Corps' recommendations on design, construction, and safety standards.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 13: Provide Infrastructure

SITUATION: Currently, non-Federal developers and operators are responsible for constructing all facilities (though cost shared in particular cases), including access roads, parking lots, water and sanitary systems, and other elements of infrastructure.

PROPOSITION: Construct all or part of the facility infrastructure on recreation areas at existing projects to facilitate turning these areas over to non-Federal entities to develop and operate.

IMPACT:

- a. Federal Burden: The option would place a heavy initial burden on the Federal government if most new construction was built by the Corps and then turned over to non-Federal entities. The operation and maintenance of those facilities assumed by non-Federal entities would reduce or eliminate the Federal O&M costs. Before the construction began on the infrastructure, an agreement should be signed indicating what the entity would add to the Corps-built facilities.
- b. Recreation Experience: Corps planned and built infrastructure would assure that it is of comparable quality to that provided by the Corps elsewhere. Recreation probably would be improved as a result of having more developed facilities.
- c. Natural Resource Base: As with any approach that allows or encourages development of areas for recreation, this proposal may adversely affect the natural resources on or adjoining those areas. The takeover of operations by a sponsor interested primarily in recreation rather than in stewardship of all resources, as the Corps is, could result in adverse impacts.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Providing major recreation facilities using Federal funds at no cost to the non-Federal entity could provide an incentive for non-Federal operation. Leasing controls on infrastructure maintenance would be essential so that the non-Federal entity would adequately maintain the Corps facilities. Modification of P.L. 89-72 and/or related regulations would be needed to develop this option.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 14: Allow Private Exclusive Use

SITUATION: Some undeveloped land at reservoir projects, presently retained in a natural state and used for passive low intensity recreation could be suitable for the development of privately owned human habitation structures which are presently prohibited by regulation.

PROPOSITION: Explore proposals to award leases to private entities for development of as multi-family residences (condominiums), recreation cabins, and second homes on lands above the flood pool elevation in exchange for takeover of existing recreation areas. The developer would provide roads and utilities and construct the improvements making an annual payment to the Corps for the development on project lands. The developer would make a profit leasing the facilities.

IMPACT:

a. Federal Burden: The cost to manage the land outleased for development would increase since the present cost to manage these areas is minimal. Management of the outgranted acres would require administration of the lease including compliance efforts. The outleased lands would provide reduction in Federal O&M costs and would also offset leasing costs.

b. Recreation Experience: The quality of recreation experience may not change but the type of recreation experience would change from passive enjoyment of natural areas and its flora and fauna to highly developed, high usage areas.

c. Natural Resource Base: The use of land for this type of development would require a permanent commitment greatly limiting future options to meet changing needs or shifts in administration policy. This option would reduce land preserved in its natural state. In many cases, these developments would be near large metropolitan areas where natural lands would be in the greatest need.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Projects for this type development would best be located either in an existing resort area or within 75 miles of a large metropolitan area. In addition, the parcels should consist of level to rolling land, good public access roads, tree cover and view of the lake. Protective coves where water areas could be provided for boat storage would enhance the developments. Long term commitment of the land would be mandatory to stimulate interest. The lease should prescribe minimum standards for quality, attractiveness, and taste; however, the fewer restrictions placed on the development, the better the chance of finding candidates willing to risk the venture.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 15: Non-Traditional Recreation

SITUATION: Current policy (ER 1165-2-400, 9 Aug 85) restricts development by others to that which "may enhance the public's ability to enjoy the inherent features of the resources..." (paragraph 5c) and which "does not create negative externalities for Federal interest recreational development." (Paragraph B-3) Thus, many types of recreation facilities which non-Federal operators or potential operators may wish to develop on project lands are now precluded because they are not related to the inherent features of the resources and they are not listed on the "100% other" checklist in Appendix B of the regulation. For example, a bowling alley, electronic game room, movie theater, or miniature golf course probably could not be built under this policy, even at 100 percent non-Federal cost, yet facilities such as these might help to make a recreation area economically viable, and hence attractive, for a non-Federal entity to operate.

PROPOSITION: Revise Corps policy to be more permissive regarding recreational facilities or developments which non-Federal entities may wish to provide on Corps lands.

IMPACT:

a. Federal burden: This could reduce the Federal burden by giving non-Federal entities added incentive to operate and maintain Corps recreation areas. There may be some additional Federal costs for maintaining and policing project lands adjacent to intensive recreation developments, and there may be further costs should a specialized facility be abandoned or turned back to the government and require Federal shutdown or removal. However, with the proper protections built into lease arrangements, there should be a net decrease in the Federal burden.

b. Recreation Experience: Depending on the extent to which the current policy is relaxed, this could result in a quite different character of recreation from what has been traditional at Corps projects. The traditional, resource based recreation probably would suffer in some ways, though some recreationists might prefer the more diverse mix of facilities and types of recreation which might result from this option.

c. Natural Resource Base: The natural resources of projects would be impacted by the opening up of project lands to non-resource based recreation. Presently, most recreation is dependent on the water or related land resources, so recreation development is not directly at odds with the resources. Were recreation development not dependent on natural resources, more resources would likely be displaced as a result of development, and the stewardship of remaining resources would likely suffer as the motivation to coexist in harmony lessened. Further, the increased public use likely with added recreation could indirectly impact on resources away from the immediate recreation area.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would require changes in Corps policy, and possibly in laws concerning recreation, since it would change the meaning of "recreation" from what has been traditional in Federal resource programs. It might be seen as trading away the Nation's natural resources for commercial development unless handled adroitly.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 16: Lease Entire Lakes

SITUATION: The Corps may have total projects that would be of interest to large commercial development firms or other non-Federal entities for development of recreation, but this approach has not been attempted. Previous efforts have focused on leasing separate recreation areas.

PROPOSITION: Request proposals from non-Federal entities for conversion of entire lake projects (minus the dam and control works) to privately developed, public recreational lakes.

IMPACT:

a. Federal Burden: The government cost of managing park and reservoir lands would be almost totally transferred to lessee except for lease administration.

b. Recreation Experience: The quality of recreation experience would probably remain the same or could be enhanced depending on the private entity's success. Could increase use of project resources.

c. Natural Resource Base: This option would place emphasis on development and economic issues and with little emphasis on environmental issues. Preservation of natural areas and management of fish and wildlife would probably suffer.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: Projects for this type lease would probably be either in existing resort areas or close to a large metropolitan area. Long term commitment of the land would be mandatory to stimulate interest. The lease should prescribe minimum standards for quality, attractiveness and taste; however, the fewer restrictions placed on development the better the chance of finding firms willing to risk the venture.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 17: Cost-Sharing-Facilities

SITUATION: Administrative policy (laid out in ER 1165-2-400, Appendix B) currently allows Federal cost sharing on certain types of recreational facilities, but does not allow it on a long list of facilities (generally those which have benefits which are (1) vendible or (2) local in magnitude and involve extensive structural enhancement, or on those facilities which (3) could stand alone without the water resource project). Facilities such as tennis courts, night lighting, and automated irrigation systems are now prohibited from cost sharing, yet local sponsors often insist that they need such facilities in order to have a viable park.

PROPOSITION: Allow Federal cost sharing on a wider range of facilities than currently acceptable so as to provide incentive for non-Federal entities to take over and operate recreation areas.

IMPACT:

a. Federal Burden: The greater outlay of Federal funds presumably would be overcome by long term savings as a result of lesser Federal involvement in operation of recreation areas.

b. Recreation Experience: There should be no significant loss of quality. The greater diversity of facilities which might result should generally enhance the recreation experience.

c. Natural Resource Base: As with any approach that allows or encourages management of an area just for recreation, this proposal to the extent that it is successful in getting others to operate portions of project areas may tend to adversely affect the natural resources on or adjoining those areas. Extending the cost sharing to more facilities could result in more use and hence greater impacts.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would require changes to Corps regulations, and may, depending on how far the current policy is expanded, require changes to laws.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 18: Lower Lease Costs

SITUATION: Private concessionaires pay rental as either a flat rate determined by appraisal or by a percentage of income through use of the Corps-wide Graduated Rental System. The fixed rent is determined by "fair market value." The graduated rent combines elements of market value with inducements to the developer (concessionaire) to continue development. Non-Federal, public lessees currently pay no rent. Typical rent is approximately 2 percent of a lessee's gross income and usually ranges from \$2,000 to \$30,000 per year.

PROPOSITION: The proposed option if adopted would reduce the rent to provide incentive for non-Federal (private) entities to takeover operation and control of Corps-operated public use areas. Non-Federal, public lessees currently pay no rent, so this option would have no applicability to those groups. This option would be most applicable to larger developers paying higher rents.

IMPACT:

a. Federal Burden: Federal O&M could be reduced if additional Corps-operated recreation areas could be leased to others. Income to the United States could also be reduced, although the decrease in O&M could offset this reduction.

b. Recreation Experience: Quality of the recreation experience could decrease as areas formerly operated by the Corps are leased to private developers since operation would be tied into the profit potential. Those recreational items or facilities which are nonprofit or low profit would likely not be maintained to current Corps-maintained levels. Adoption could also result in the concessionaire's utilizing the increased availability of funds to increase development or levels of maintenance, thereby improving the recreation experience.

c. Natural Resource Base: More intensive development with an associated degradation would be expected. Use of other lease conditions such as minimum standards could minimize the negatives.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Applicable to all existing Corps-operated public use areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would most likely not be taken over regardless of rent. Market limitations would restrict application to existing well located, heavily used areas with good potential for expansion. As additional areas are leased, development would be limited by market factors, primarily to those items which generate income. There would be pressure from existing concessionaires to apply any rental reduction "across the board" to both old and existing concessions as well as to new lease areas. Adoption would involve modification of ER 405-1-12. Since a reduction of potential rent is proposed, OMB approval might be necessary. Federal law generally requires the collection of fair market rent.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 19: Longer Term Lease

SITUATION: Current regulations governing the leasing of land to private concessionaires limit lease terms to the minimum necessary to accommodate the proposed purpose. Terms are usually limited to 20 years and by regulation cannot exceed 30 years. (A limited number of leases with a 25-year term and a 25-year renewal clause have been approved as special cases.) This lease term can have the effect of discouraging major development since the amortization period is sometimes not sufficient to support the proposed developments. Private financing is also difficult to arrange with the shorter lease terms. Public park leases are routinely issued for 50 years and accordingly do not face this problem.

PROPOSITION: This option would allow the routine issuance of 30-50 year leases. The longer terms would facilitate financing with the potential to increase development on Corps land.

IMPACT:

a. Federal Burden: Federal O&M could be reduced if additional Corps-operated public use areas could be leased to others. The longer lease term would serve as an inducement to this leasing.

b. Recreation Experience: Little anticipated change from the present situation is likely. Adoption of this option could result in some expansion of facilities and an increase in the number and size of facilities since long-term financing should be more readily available given a longer lease term.

c. Natural Resource Base: Adoption of this option could result in expansion in both numbers and size of facilities with the accompanying potential for environmental degradation. The natural resource base will be "locked in" for a longer period with an accompanying loss of Federal control.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps-operated public use areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of lease term. Market limitations would restrict application to existing well located, heavily used areas with good potential for expansion and to other areas with a good profit potential. Most likely customers are private developers. Markets permitting, larger, more costly types of development can be anticipated. A disadvantage to the government is that the site, once leased for the longer term, becomes unavailable for alternative uses for the length of the lease. Existing lessees would expect to receive the benefit of the longer terms. Adoption of this option would necessitate some policy and regulation changes although longer lease terms are discretionary.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 20: Allow Lessees More Activities

SITUATION: The current situation provides for the use of a conditional lease which restricts concessionaire (lessee) types of use to "traditional" activities. While the definition of "traditional" has expanded over time to include a wide range of permissible activities and facilities, there continues to be some real and perceived barriers to the ability of developers to pursue some types of expansion.

PROPOSITION: Adoption of this option would expand a lessee's ability to provide any type of recreation or recreation support. Types of facilities could include expanded overnight, food service, automobile service station, sales, and other services. All requirements that development be "water-related" would be removed.

IMPACT:

- a. Federal Burden: Adoption of this option would provide a reduction of O&M expenditures to the extent non-Federals would be willing to assume operation of additional Corps areas.
- b. Recreation Experience: The impacts on the quality of recreation experience cannot be determined in advance. Reduction in restrictions could lead to expansion in quality and type of facilities, thus expanding opportunities. The additional items could be of a type which detracts from the overall attractiveness of the area.
- c. Natural Resource Base: Reduction on restrictions would likely lead to expansion of facilities with associated environmental degradation. Degree of impact and long-term effect are dependent on type of activities ultimately provided.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps-operated and concession-operated recreation areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of this flexibility. Market limitations would restrict applications to existing well located, heavily used areas with good potential for expansion. If this option is adopted it would be applicable at both existing areas and to new or prospective areas. Adoption would require modifications to several regulations and policies. There would be more impact from the standpoint of existing concessions wishing to expand their operations than from potential developers of "new" areas.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 21: Remove Reinvestment Requirements

SITUATION: Currently, public park lessees are required to reinvest all generated income on the site, either through O&M or capital improvement. This requirement is institutionalized in the standard lease form.

PROPOSITION: Adoption of this option would remove the requirement to reinvest and allow lessees to profit, if possible, from their operation.

IMPACT:

- a. Federal Burden: Adoption of this option could reduce Federal O&M to the extent it would encourage non-Federal takeover of existing Corps-operated sites.
- b. Recreation Experience: Adoption of this option could result in decline in the quality of maintenance and upkeep. Lessees, once allowed to retain funds could reduce capital and maintenance expenditures with a resulting decrease in site quality.
- c. Natural Resource Base: The impacts would vary depending on lessee's capability. It is unlikely the natural resource base would improve.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option will be applicable to all Corps-operated recreation areas. From a practical standpoint, only areas with a potential public operator would be affected since other areas would not be taken over regardless of this modification. Market limitations would normally restrict applications to existing well located, heavily used areas with good potential for expansion or to areas with a practicable desirability to some potential operator. Adoption would require modification to several regulations and policies. Any modifications would be applicable to both existing and prospective leases.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 22: Advertising Program

SITUATION: The Corps has a product to market just as do motels and commercial attractions. Visitation could be increased by advertising the product to potential users, but presently Corps does not market its recreational resources.

PROPOSITION: Contract with a public relations/advertising firm to conduct surveys to determine target audience and to develop and execute a marketing plan. Increased use would make recreation areas more attractive for non-Federal entities to take over and operate.

IMPACT:

a. Federal Burden: Initially, advertising would increase Federal cost. Should the marketing program be successful, there would be an increase in fees collected and in the interest of others in taking over recreation areas. Ultimately this could result in a lessening of the Federal burden.

b. Recreation Experience: The promotional program would not change the quality of the recreation experience unless an excessive number of visitors were attracted and the facilities became overcrowded.

c. Natural Resource Base: The promotional program should not impact the natural resource base significantly as long as the carrying capacity of the facilities is controlled.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: Increased revenue resulting from advertising would make Corps facilities more attractive to non-Federal entities. Expenditures for advertising should be controlled, establishing a cost of total fees collected, perhaps a percentage of the prior year fee revenues.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 23: Marketing Programs

SITUATION: The Corps has many highly developed areas that presently produce revenue from fees or that have the potential for revenues from day use. The Corps does not actively promote non-Federal operation of its recreation areas except for requests for proposals for concessionaires.

PROPOSITION: The Corps would develop business plans/market analyses on operating cost, revenue and potential revenues, market areas, etc., on its existing facilities and market the potential opportunities so as to encourage takeover by non-Federal entities.

IMPACT:

- a. Federal Burden: There would be some cost involved in developing the marketing plans and contacting potential non-Federal operators. There could be savings if Corps is successful in turning over some areas to non-Federal operators. There would be a loss of user fees collected.
- b. Recreation Experience: The quality of the recreation experience should remain unchanged. It could be impacted negatively if the non-Federal operator reduced service levels in order to make a profit.
- c. Natural Resource Base: As with any approach that allows or encourages management of areas just for recreation, this proposal to the extent that it is successful in getting others to operate portions of project areas may tend to adversely affect the natural resources on or adjoining those areas. Groups interested primarily in profit probably would not have as great a dedication to stewardship of all the resources as does the Corps, resulting in neglect or loss of natural resources in or around recreation areas.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option will be applicable to all Corps-operated recreation areas. The market analysis developed by the Corps must show profit potential to prospective lessees to be viable. Market limitations would normally restrict applications to existing well located, heavily used areas with good potential for expansion or to areas with a practicable desirability to some potential operator.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 24: University Run Parks

SITUATION: There are a number of colleges and universities offering majors in outdoor recreation that are in proximity to Corps projects. Students could meet internship requirements, conduct research, and receive "hands-on" training under the guidance of an experienced facility. Chico State University, California currently has an outgrant from the U.S. Forest Service to operate a recreation area.

PROPOSITION: Encourage qualified colleges and universities to take over developed recreation areas and staff them with students and faculty. If it is determined that sufficient fees to pay for the O&M cannot be collected, a cost-share arrangement might be made.

IMPACT:

a. Federal Burden: This option has the potential to reduce the Federal burden. Some Federal cost-sharing may be necessary to offset the difference in fees collected and the actual O&M costs.

b. Recreation Experience: The quality of the recreation experience could be enhanced by utilizing enthusiastic students and by using research as a tool to meet public needs. Conversely, the experience could be degraded if research is conducted to the point of interfering with the visitors. The constant turnover of students would also deprive the visitor of experienced, knowledgeable staff.

c. Natural Resource Base: The existing resource base could be enhanced through "state of the art" management practices. If expansion of facilities occurs, the potential for some resource degradation would exist.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Colleges and universities need to be in proximity to the recreation areas to make managing these areas feasible. Income from the collection of fees needs to be adequate for covering the O&M costs or the Corps might need to cost share, thus requiring a change in policy and/or law with a resultant increase in Federal burden. However, universities might assume some of the O&M costs as part of their expense in securing an outdoor laboratory. Unless major changes in development occur, there would be little impact on the resource conditions. Outgranting to a college/university can be done under existing policy.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 25: Foster Local Interests

SITUATION: Chambers of commerce and similar community or regional organizations can be effective in encouraging non-Federal entities to take over Corps recreation areas. These largely business oriented groups can have a good feel for local conditions and their support for the Corps initiative might be of value.

PROPOSITION: The Corps would foster lake, regional and/or community organizations specifically to have them encourage non-Federal and private takeover of Corps recreation facilities.

IMPACT:

a. Federal Burden: Fostering local organizations would have no impact on the Federal burden. If, however, the local organizations are successful in encouraging recreation area takeover, the Federal burden could be reduced.

b. Recreation Experience: This proposition would have little or no impact on the quality of the recreation experience.

c. Natural Resource Base: If successful at effecting non-Federal takeover and operation of recreation areas, this option could result in adverse impacts to natural resources due to a recreation-only focus of the operator instead of Corps stewardship approach to all project resources.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: To expect local organizations to lobby non-Federal entities to take over Corps recreation areas, the organizations have to be convinced that takeover would be better than the current situation and be able to attract sufficient visitors who, in turn, would spend money at local businesses. This approach, however could backfire in areas where the Corps has a strong constituency and where the Corps enjoys strong local support for their management philosophies and management style.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 26: Swap Recreation Areas

SITUATION: Corps recreation areas are sometimes interspersed with areas managed by non-Federal agencies. Some of these areas are leased Corps property while others are on property owned by the non-Federal entity. Reconfiguring the management of these areas might promote operational efficiencies and could encourage non-Federal entities to agree to manage additional areas.

PROPOSITION: Reconfigure and consolidate management of areas on and adjacent to Corps projects to facilitate operational efficiencies. Overall economy might result in the Corps managing lands and recreation areas presently managed by non-Federal entities in exchange, the non-Federal entity would manage Corps areas.

IMPACT:

- a. Federal Burden: Unless management reconfiguration resulted in the non-Federal entity agreeing to manage a proportionately larger share of the recreation areas, little positive impact on the Federal burden is expected. Reconfiguring could reduce O&M costs for both Federal and non-Federal entities.
- b. Recreation Experience: Operational efficiencies could improve the quality of the recreation experience. Inevitable variations, however in management philosophy would probably affect the quality of the experience to a greater degree.
- c. Natural Resource Base: Little impact is expected unless reconfiguration results in additional development or results in alteration of current Corps stewardship philosophy.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Non-Federal interests have to be convinced of the efficiencies of a reconfiguration or of benefits to their constituency. A fair exchange of types and amounts of facilities may have to be worked out to make this option palatable to non-Federal interests because they are also interested in keeping their costs down.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 27: Diversification of Use.

SITUATION: At many Corps projects, recreation is not a specifically authorized project purpose. The authority comes instead from the broad authority of the 1944 Flood Control Act.

PROPOSITION: Congressional authorization is needed to make recreation an equal partner with other project purposes.

IMPACT:

a. Federal Burden: Impacts on the Federal burden would vary. The O&M costs could be decreased to the extent this option results in the takeover of existing recreation areas. This savings, could be offset by a loss of other income sources as a result of elevation of recreation status (i.e. hydropower revenues deferred).

b. Recreation Experience: This option has potential for increasing the recreation experience. This option could result in some expansion of facilities and an increase in the size of facilities if reservoir pools become more stable.

c. Natural Resource Base: This option could result in expansion in both numbers and size of facilities with the accompanying potential for environmental degradation.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This type authorization would greatly increase options and make marketing of project facilities to others much easier.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 28: 14 Day Occupancy Limit

SITUATION: Title 36, Part 327.7(b). Provides that camping at one or more campsites at any one water resource project for a period longer than 14 days during any 30-consecutive day period is prohibited without the written permission of the District Engineer. This is enforced on both Corps-operated and outgranted areas. Application of the 14-day limit has been applied to other forms of overnight use such as lodges, cabins, and mobile homes.

PROPOSITION: This option would extend or eliminate the 14-day occupancy limit. Elimination of the limit would increase the length of stay at projects and thus increase the attractiveness of Corps operated areas for non-Federal operation.

IMPACT:

a. Federal Burden: Federal O&M could be reduced if additional Corps operated public use areas could be leased to others.

b. Recreation Experience: In most cases the impact on recreational quality would be nominal. Adoption could result in overcrowding at popular sites but could also increase off-season use. A major disadvantage would be the creation of a situation more conducive to private, exclusive use and to abuse such as semi-permanent or long-term, semi-transient use. A particular concern would be the ability to control permanent or the appearance of permanent residential use.

c. Natural Resource Base: Resulting heavier use could lead to degradation of areas. This could be minimized by design and by proper lease controls.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps operated and concession-operated recreation areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of this limitation. Market limitations would restrict applications to existing well located, heavily used areas with good potential for expansion. Some more marginal areas could be enhanced by expanding to accommodate the off season and "snow bird" or seasonal trade. If this option is adopted it would be applicable to both existing areas and to new or prospective areas. Adoption would require modifications to several policies and to Title 36, CFR.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 29: Non-Uniform Fee

SITUATION: Discriminatory fees are not now allowed. Allowing them could provide incentive for non-Federal entities to take over and operate Corps recreation areas.

PROPOSITION: Allow non-Federal governments, non-profit organizations, and private groups that take over and operate recreation areas to charge their residents or members lower fees than are charged to the general public.

IMPACT:

a. Federal Burden: This option would have no direct cost to the Federal government, and could reduce the Federal burden by giving governments and groups added incentive to operate and maintain Corps recreation areas.

b. Recreation Experience: This option could enhance the recreation experience for some users, as use would tend to be more exclusive and limited. "Outsiders" who use the area, however, may enjoy the experience less as their costs would be higher. Tension between "ins" and "outs" could adversely affect the experience for all.

c. Natural Resource Base: As with any approach that allows or encourages management of an area just for recreation, this proposal, to the extent that it is successful in getting others to operate portions of project areas, may tend to adversely affect the natural resources on or adjoining those areas.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Where a recreation area is in or near to a municipality, this option might make it possible for that government to commit tax dollars to operate an area, as it could defuse charges that they would be subsidizing nonresidents' use of the facilities. Concern about divisiveness and charges of illegal discrimination could dissuade operators from implementing a non-uniform fee structure, or could minimize the incentive value of such an option. Discriminatory fee structures for public facilities might be illegal in some jurisdictions.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 30: Loosen Liquor Restrictions

SITUATION: Current policy found in ER 1130-2-400, paragraph 18, concerning alcoholic beverages states: "in order to preserve a wholesome family atmosphere in the public park and recreation areas of lake projects, the sale, storage, or advertising of alcoholic beverages is not permitted." There are some exceptions to this policy. In areas where it is the custom to dispense malt beverages (beer) and light wines, as defined by the governing state, local laws and regulations in public park and recreation areas, the District Commander may authorize concessionaires or licensed governmental agencies to dispense malt beverages and light wines in a manner that conforms to the standards and atmosphere which the Corps wishes to have maintained on the projects. Additionally, in special cases where the sale of whiskey or other hard liquors is not the primary purpose, but is incidental to major dining facilities such as park hotels, lodges, motel-dining facilities, and clubs, this sale may also be approved. Exceptions have been granted in several cases but the wording of the regulation tends to discourage major hotel/resort types of development.

PROPOSITION: This option would remove or reduce restrictions on the sale of alcoholic beverages. This could have the effect of encouraging those types of developments which utilize food/beverage service as a major income source.

IMPACT:

a. Federal Burden: Federal O&M could be reduced to the extent non-Federal entities are encouraged to assume operation of additional developed recreation areas. Since alcoholic beverage sales are a high-profit item, lease rents to the government could increase. Liberalization of control on alcohol sales could result in greater potential liability.

b. Recreation Experience: Increased alcohol sale with the corresponding increase in consumption will result in some degradation of the traditional "family atmosphere." The ability to sell alcoholic beverages could prove a catalyst for additional major resort development.

c. Natural Resource Base: The potential for expanded major development would result in corresponding potential for environmental degradation.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps-operated and concession-operated recreation areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of this modification. Market limitations would restrict applications to existing well located, heavily used areas with good potential for expansion. Local laws and ordinances would actually govern the sale. This option, therefore, would not be available in all locations. Adoption would require modifications to several regulations and policies. Any modifications would be applicable to both existing lease areas and prospective areas. This option would conflict with Corps efforts in the water safety area, where themes such as "Water and Alcohol Don't Mix" are being promoted.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 31: Loosen Lottery Restrictions

SITUATION: Current regulations, ER 1130-2-400, paragraph 25, and the current concession lease form prohibit gambling. Sale of lottery tickets has been determined to constitute gambling and is, therefore, prohibited on Corps land. Corps lessees, both public and private, are not permitted to sell the lottery chances within lease areas.

PROPOSITION: Allow lessees to sell lottery chances in accordance with local laws and ordinances.

IMPACT:

a. Federal Burden: Impact will most likely be negligible. The option of selling lottery tickets in itself would probably not be enough to induce non-Federal entities to assume operation of additional Corps operated recreation areas. This will provide potential lessees with an additional income source.

b. Recreation Experience: Impact will most likely be negligible. Adoption, however, could result in some loss of "family atmosphere."

c. Natural Resource Base: No impact on the natural resource base is anticipated.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps operated and concession-operated recreation areas. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of this modification. Market limitations would restrict applications to existing well located, heavily used areas with good potential for expansion. If this option is adopted it would be applicable to both existing areas and to new or prospective areas. Adoption would require modifications to several regulations and policies. As more states initiate lotteries (there are currently more than 20) the Corps opposition to lottery sales on "moral" grounds becomes harder to justify.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 32: Negotiated Expansion

SITUATION: Many Corps operated recreation areas adjoin existing commercial concessions. It is often practical to allow the adjoining concessionaire to assume operation and control of these recreation areas. Currently, a waiver of competition must be obtained from USACE and fair market rental must be charged the lessee for those government-owned facilities within the area. Larger, higher potential areas are typically excluded from negotiation and instead are advertised.

PROPOSITION: To allow negotiated leasing of Corps operated public use areas to adjacent concessionaires at a negotiated rental rather than in competition, without the necessity of seeking a waiver of competition or advertising the site.

IMPACT:

- a. Federal Burden: Adoption of this option would reduce Federal O&M to the extent that existing Corps operated areas can be leased to non-Federal entities.
- b. Recreation Experience: Adoption of this option could result in a decrease in facilities available for nonprofitable or low-profit activities as lessees convert these activities to higher profit activities. Adoption could also result in an increase of overall concession-provided facilities with the ability to increase or decrease the quality of the recreation experience.
- c. Natural Resource Base: Impact on the natural resource base would vary depending on the scope of development. It would be highly unlikely for adoption to result in improvement of the natural resource base. Degradation to a greater or lesser degree is anticipated.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option would be applicable to all Corps operated recreation areas which lie adjacent to an existing concession operation. From a practical standpoint, only areas with profit-making potential would be affected since other areas would not be taken over regardless of availability. Market limitations would restrict applications to existing well located, heavily used areas with good potential for expansion. Adoption would require modification to policy and regulations. Public pressure and possibly political involvement should be anticipated due to loss of "free" Corps operated areas through conversion of their areas to concession-operated areas.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 33: Land Acquisition Authority

SITUATION: Sufficient government land may not be available for an economic recreational development. However, adjacent private parcels may be suitable for development in combination with government land. Corps does not now have the option of acquiring private property so a non-Federal entity would have room to develop a viable recreation area.

PROPOSITION: Seek legislative authority to allow land acquisition to facilitate recreation development (including the right of eminent domain). This would provide non-Federal entities with adequate lands to engage in potentially profitable recreation activities.

IMPACT:

a. Federal Burden: The initial costs to the Federal government could be substantial. However, to the extent that acquisition by eminent domain is successful in encouraging non-Federal operation of existing Corps recreation areas, the long term impact could be to reduce the Federal burden.

b. Recreational Experience: With more lands will come the potential for an increase in recreation facilities. The acquisition of more land could mean more development. The quality of the recreation experience will vary depending upon the nature and extent of development.

c. Natural Resource Base: Acquisition of more land for development could significantly impact the natural resource base. More development could encourage more people to use the limited project resources.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: The people that would be most interested in this option would be developers and business people. A strong lobby would possibly be formed by local chambers of commerce or other organizations. Current law and project purposes would have to be changed. Public opinion would be one aspect which would need to be investigated. Some existing projects were built with the understanding that the project would bring in a lot of money through agreements with cooperating utilities and through tourism. There may be opposition to any eminent domain authority because Corps is supposed to be excessing existing Federal lands.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 34: Use of Other Federal Funds

SITUATION: Under the cost sharing principles established by the Federal Water Project Recreation Act of 1965 (P.L. 89-72), and the WRDA of 1986 (P.L. 99-662), recreation developments may be cost shared on a 50 percent Federal/50 percent non-Federal basis. Accordingly, current policy precludes non-Federal public entities' using other Federal funds/grants for cost sharing with Corps.

PROPOSITION: Allow non-Federal public bodies to use other Federal funding sources to cost share recreation development with Corps as an incentive to their taking over and operating existing recreation areas.

IMPACT:

a. Federal Burden: Under this option, it is conceivable that new or expanded recreation development could be provided at Corps projects at 100 percent Federal cost. This does not mean that the Federal burden would necessarily be increased, as there could be operational savings resulting from non-Federal entities' taking over recreation areas. This option would allow the non-Federal public flexibility in its use of other Federal funds/grants available for recreation development, and make takeover of recreation areas more likely.

b. Recreation Experience: In terms of additional or expanded recreation development that this approach may offer the non-Federal public sector, it is assumed that a need for additional recreation facilities exists. Therefore, any recreational development provided the public would have a favorable impact on the quality of the recreation experience. This is particularly important when considering that the Corps is precluded from providing needed additional recreation facilities directly without cost sharing.

c. Natural Resource Base: As with any approach that allows or encourages development of an area for recreation pursuits, this proposal to the extent that it is successful in getting others to manage and expand development at existing Corps operated recreation areas may tend to adversely affect the natural resources on or adjoining those areas.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: There are 2507 existing recreation areas presently operated by Corps. Each of these areas has been developed in varying degrees supporting a wide array of public recreation opportunities. This array of opportunities provides non-Federal public entities various choices to satisfy local recreation needs. Current policy encourages the non-Federal public sector to take over these existing areas, allowing these entities to use other Federal funds/grants for cost sharing recreation development with the Corps would provide an added incentive. It would give the non-Federal entity flexibility in establishing its priorities for the use of the funds. Institutionally, implementation of this proposal would require a change in law since both P.L. 89-72 and P.L. 99-662 require that recreation facility developments be shared at least 50 percent by non-Federals. The success of this proposal would be dependent upon a marketing strategy and an internal acceptance by the Corps to market its operated areas.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 35: Members Only Development

SITUATION: Current policy does not allow the operation of Corps developed recreation areas by "private" or "not for profit" organizations which limit use only to members of their organization.

PROPOSITION: Allow outgranting of developed recreation areas to organizations which may limit use of the recreation areas to "members only," providing the organization's members pay all the O&M costs.

IMPACT:

- a. Federal Burden: This option has the potential to reduce the Federal budget to the extent that existing areas would be operated by organizations.
- b. Recreation Experience: The general public would be deprived of opportunity for recreation at these areas. For those who are "members," the quality of the recreation experience may be enhanced because of this exclusivity.
- c. Natural Resource Base: No change in the natural resource base is anticipated if the area is managed to present Corps standards. If additional facilities are allowed, then some degradation could be expected.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: A nearby metropolitan area would provide the greatest source of interested organizations. Organizations with sufficient capital or with the capability of raising capital to sustain the O&M costs would be the only ones able to enter into an outgrant. Development would be governed by the type and finances of the "members only" organization. Existing modern facilities with good access would have the greatest attraction to potential organizations.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 36: Equitable Recreation Fees

SITUATION: Currently the Corps charges use fees for camping and some special use fees, such as group picnic shelters, special events, etc. Fees are not charged for such day use activities as picnicking, hiking, boating, swimming, biking, skiing, snowmobiling, etc. Entrance fees are prohibited by law.

PROPOSITION: Ensure that the Corps' recreation fee structure does not undercut private/non-Federal competition. This may require the Corps to start charging day use activity fees.

IMPACT:

a. Federal Burden: The Federal burden would be reduced with additional fees generated. This could also encourage greater participation by non-Federal entities, thereby reducing the Federal burden even further.

b. Recreation Experience: This option would preclude the use of day use areas to those that could not afford the use fees. It has the potential to enhance the experience of those using day use areas because an additional measure of safety and security is provided by restricting access to these areas.

c. Natural Resource Base: This option could result in expansion of facilities with some degradation of natural resources. It has potential for enhancement as access is restricted and closer monitoring of behavior is possible. It can also be used as a management tool to deter overuse.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: This option could be applied to all day use areas where the costs of collecting fees would be less than the fees collected. Some visitation may decrease, particularly in metropolitan areas where fees may preclude the use by some visitors. It could encourage greater participation by non-Federal entities as there would be no unfair competition from Corps non-charging areas. Access restrictions would need to be provided to enable enforcement of the fees, which may have an influence on traffic patterns. This option would require a change in law governing charging for day use and the restrictions regarding the need to provide a "free" campground at projects where fees are charged at other campgrounds.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 37: Eliminate Free Camping

SITUATION: At each project where the Corps operates campgrounds and charges fees for use of campgrounds, it has the requirement to provide a free primitive camp for those not desiring to pay the fee. This requirement is largely a nuisance and impacts revenue generation.

PROPOSITION: Eliminate the requirement for free camping.

IMPACT:

a. Federal Burden: Elimination of free camping would nominally increase user fee revenues. It also would improve Corps O&M efficiency as many free campgrounds are havens for counter-culture individuals and groups which require an inordinate amount of staff time when compared to "regular" campers. Elimination of the free camping requirement probably would not act as an incentive for encouraging non-Federal entities to take over Corps areas unless the previously free area could be upgraded and made more attractive.

b. Recreation Experience: Elimination of the free camping requirement would improve the quality of the recreation experience. Many people seeking free camping opportunities are not seeking a recreation experience but rather a cheap place to live. The lifestyle of many of the "free" campers tends to detract from the recreation enjoyment of "legitimate" campers. With the elimination of free camping, the primitive camping area could be renovated which would improve the quality of the recreation experience.

c. Natural Resource Base: Elimination of free camping could result in the abandonment of the primitive campground and the return of the area to its natural environment. Should the primitive campground be selected for renovation, there could be short or long term environmental impacts depending upon the extent of the renovation.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST:

Non-Federal interests have to be convinced that Corps recreation areas are efficient to operate and would attract fee paying visitors in sufficient numbers to significantly offset operational expenses and possibly generate a profit. Elimination of free camping might encourage increased interest in management of other areas at a project since the unfair competition of free sites would be eliminated. Elimination of the free camping requirement might make the area more conducive to family use by reducing the attractiveness to counter-culture individuals which then may influence the decision by non-Federal interests to operate Corps recreation areas.

CORPS OF ENGINEERS RECREATION STUDY

OPTION ASSESSMENT PROFILE

OPTION 38: Corps Operation of Turnback Areas

SITUATION: Current regulations require the Corps to close any recreation area managed by non-Federal interests should the non-Federal interest decline to continue to manage the area. The Corps can operate turned back areas only if it can be proven that the area can be operated efficiently and that there would be a reduction or at least no increase in the O&M expenditures.

PROPOSITION: Allow Corps management of turned back recreation areas to encourage other potential lessees. An actively utilized recreation area is more likely to attract potential lessees. A mothballed facility could indicate a facility which is unattractive and might have had insufficient public use to offset operational expenditures.

IMPACT:

a. Federal Burden: Until another sponsor can be obtained, the Federal burden would increase as the Corps would be operating and maintaining previously outgranted areas. This increase would not be as great as it might appear on the surface since there are certain costs just to maintain an area in mothball status. Should this proposal be effective in attracting a new non-Federal lessee, the overall impact would be positive in reducing the Federal burden.

b. Recreation Experience: Maintaining operational continuity by not closing turned back recreation areas would be a positive impact. Closed areas are susceptible to increased vandalism and reflect poorly on Corps managerial ability. Mothballed facilities detract from the recreation experience when the visitor sees the facilities but is unable to enjoy them.

c. Natural Resource Base: This proposition would have minimal impact on natural resources.

CONDITIONS NECESSARY FOR FAVORABLE NON-FEDERAL INTEREST: Implementation of this proposition might result in another non-Federal entity agreeing to take over a turned back facility. If the proposition is not implemented, the closed facility might discourage other non-Federal entities from considering operation because of a perception of public undesirability.